

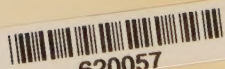
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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

30° VICTORIÆ, 1867.

VOL. CLXXXVII.

COMPRISING THE PERIOD FROM

THE SIXTH DAY OF MAY 1867,

TO

THE SEVENTEENTH DAY OF JUNE 1867.

Third Volume of the Session.

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(3.) £20,808, to complete the sum for the Home Office.		(17.) £29,622, to complete the sum for Inspectors of Factories, Fisheries, &c.	
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(8.) £1,414, to complete the sum for the Registrars of Friendly Societies in England, Scotland, and Ireland.		(18.) £200,925, to complete the sum for Police, Counties and Boroughs.
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(11.) £1,724, to complete the sum for the Landed Estates Record Offices.		Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again,”—(<i>Mr. Dilwyn</i>) ..
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(23.) £3,440, to complete the sum for the Office of Land Registry.	(36.) £2,407, to complete the sum for Judges Registrars, Ireland.
(24.) £16,103, to complete the sum for Police Courts, Metropolis.	(37.) £1,025, to complete the sum for Manor Courts, Ireland.
(25.) £123,848, to complete the sum for Metropolitan Police.	(38.) £1,869, to complete the sum for Registration of Judgments, Ireland.
(26.) £17,850, Revising Barristers.	(39.) £10,051, to complete the sum for Registration of Deeds, Ireland.
(27.) £658, Divorce Court Compensations.	(40.) £100, Commissioners of High Court of Delegates, Ireland.
(28.) £10,292, to complete the sum for Bankruptcy Compensations, &c.	(41.) £4,899, to complete the sum for the Court of Bankruptcy, &c., Ireland.
(29.) £39,381, to complete the sum for the Common Law Courts, England.	(42.) £7,673, to complete the sum for the Court of Probate, Ireland.
(30.) £54,447, to complete the sum for Criminal Proceedings, Scotland.	(43.) £9,492, to complete the sum for the Landed Estates Court, Ireland.
(31.) £36,850, to complete the sum for the Courts of Justice, Scotland.	(44.) £5,500, to complete the sum for Process Servers, Ireland.
(32.) £11,486, to complete the sum for General Register House, Edinburgh.	(45.) £420, Revising Barristers, Ireland.
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(2.) £641,513, to complete the sum for the Constabulary Force, Ireland.	
(3.) £1,724, to complete the sum for the Four Courts Marshalsea Prison, Dublin.	
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ECCLESIASTICAL TITLES AND ROMAN CATHOLIC RELIEF ACTS—NOMINATION OF SELECT COMMITTEE—	
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<i>Moved</i> , “That the Bill be now read a second time,”—(Mr. Fawcett)		1248
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1363

ECCLESIASTICAL TITLES AND ROMAN CATHOLIC RELIEF ACTS—NOMINATION OF SELECT COMMITTEE—*Moved*,

"That Mr. MacEvoy be one of the Members of the Select Committee on Ecclesiastical Titles and Roman Catholic Relief Acts"	1363
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Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the nomination of the Select Committee be postponed until this day six months,"—(*Colonel Gilpin*,)—instead thereof.

After short debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided*; Ayes 69, Noes 42; Majority 27:—Original Question again proposed.

After further short debate, *Moved*, "That the Debate be now adjourned,"—(*Sir Brook Bridges*:)—The House *divided*; Ayes 39, Noes 70; Majority 31.

Original Question again proposed:—*Moved*, "That this House do now adjourn,"—(*Sir Henry Edwards*,)—put, and *agreed to*.

LORDS, FRIDAY, MAY 31.

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1367

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Parliamentary Reform—Representation of the People Bill [Bill 79]—	
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SUPPLY—Order for Committee read:—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"	
ARMY—STAFF APPOINTMENTS—Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Return of all appointments made on the Staff, including Military Appointments at Horse Guards and War Office, from the year 1855 to 1867, inclusive, and where such appointments have been held for a period longer than five years, or where on the termination of the term of one Staff Appointment or Military Appointment as aforesaid, the late holder has been within six months appointed to another Staff Appointment; stating the 'special circumstances' for such re-appointment, as mentioned in Article 106, Section 2, of the Royal Warrant of February 3rd 1866,"—(<i>Sir Patrick O'Brien</i>),—instead thereof	1430
Question proposed, "That the words proposed to be left out stand part of the Question:—"	
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Question again proposed, "That Mr. Speaker do now leave the Chair."	
IRELAND—QUEEN'S UNIVERSITY—Observations, Mr. Chichester Fortescue; Reply, Lord Naas	1431
Question put, and <i>agreed to</i> :—Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> .	

SUPPLY—CIVIL SERVICE ESTIMATES—considered in Committee. (In the Committee.)

(1.) £15,000, Burlington House, <i>agreed to</i> .	
Motion made, and Question proposed, "That a sum, not exceeding £20,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1868, towards the Expense of erecting a Building for the use of the University of London	1463
Amendment proposed, To add, at the end of the Question, the words "Provided that no part of such sum shall be applied to the erection of any building according to either of the designs now exhibited,"—(<i>Mr. Layard</i> .)	
After short debate, Question put, "That those words be there added:—"	
The Committee <i>divided</i> ; Ayes 52, Noes 46; Majority 6:—Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> .	
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Moved, “ That the Bill be now read 2^a,”—(*The Earl of Shaftesbury*) .. 1477
Motion agreed to :—Bill read 2^a accordingly, and committed.

Army Enlistment Bill (No. 112)—

House in Committee (according to Order) .. 1478
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Increase of the Episcopate Bill (No. 118)—

Amendments reported (according to Order) .. 1478
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COMMONS, MONDAY, JUNE 3.

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Stephen Cave 1488

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ARMY—RECRUITING—Question, Colonel H. Fane ; Answer, Sir J. Pakington .. 1489

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Parliamentary Reform—Representation of the People Bill [Bill 79]—

Bill considered in Committee [Progress May 31] .. 1500

Clause 9 (Certain Boroughs to return one Member only.)

After long time, Committee report Progress ; to sit again upon *Thursday*
13th June.

SUPPLY—Resolutions [May 31] reported .. 1547
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Dogs Regulation (Ireland) Act (1865) Amendment Bill —Ordered (Mr. Stacpoole, Mr. Lawson, Mr. O'Beirne); presented, and read the first time [Bill 184]	..	1548

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Contagious Diseases (Animals) Bill (No. 121 & 122) —		
House in Committee (according to Order)		1549
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County Courts Acts Amendment Bill (No. 108) —		
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After short time spent therein, Bill reported, without Amendment:—Amendments made; Bill re-committed to a Committee of the Whole House on Monday the 17th instant; and to be printed as amended (No. 140.)		
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COMMONS, TUESDAY, JUNE 4.

Bankruptcy Acts Repeal (re-committed) Bill [Bill 183] —		
Order for Committee read :—Moved, "That Mr. Speaker do now leave the Chair,"—(Mr. Attorney General)	.. .. .	1556
After long debate, Committee deferred till To-morrow.		
SPECIAL AND COMMON JURIES —Moved,		
"That a Select Committee be appointed, "to inquire and take evidence as to the law and practice relating to the summoning, attendance, and remuneration of Special and Common Juries, and to report to this House as to any alterations which ought to be made therein,"—(Viscount Enfield)	.. .. .	1582
After short debate, Motion agreed to :—And, on June 7, Select Committee nominated :—List of the Committee	.. .. .	1587
Railway and Joint Stock Companies' Accounts Bill —		
Motion for Leave (Sir William Hutt)	.. .. .	1588
After short debate, Motion agreed to :—Bill for the better regulation and supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies, ordered (Sir William Hutt, Mr. Ellice); presented, and read the first time [Bill 188.]		
STATUTE LAW CONSOLIDATION —Moved,		
"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Copy of all Letters addressed to the Lord Chancellor in 1853-4, containing proposals for a plan to consolidate the Statutes, which are not contained in the printed copy of Mr. Bellenden Ker's Reports,"—(Colonel French)		1594
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"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that Her Majesty's Forces be not withdrawn from the Cape of Good Hope,"—(*Mr. Vanderbilt*) 1596
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Master and Servant Bill [Bill 105]—

Moved, "That the Bill be now read a second time,"—(*Lord Elcho*) .. 1603
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Edmund Potter* :)—Question proposed, "That the word 'now' stand part of the Question :"—After short debate, Amendment, by leave, *withdrawn* :—Main Question put, and *agreed to* :—Bill read a second time, and *committed* for Thursday 20th June.

Inclosure (No. 2) Bill—Ordered (*Mr. Secretary Gathorne Hardy, Mr. Hunt*) ; presented, and read the first time [Bill 186] 1613

Local Government Supplemental (No. 3) Bill—Ordered (*Mr. Secretary Gathorne Hardy, Mr. Selater-Booth*) ; presented, and read the first time [Bill 187] .. 1613

Galway Harbour (Composition of Debt) Bill—Select Committee *nominated* :—List of the Committee 1613

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Oxford and Cambridge Universities Education Bill [Bill 71]—

Moved, "That the Bill be now read a second time,"—(*Mr. W. Ewart*) .. 1613
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Beresford Hope*) 1619
After long debate, Question put, "That the word 'now' stand part of the Question :"—The House *divided* ; Ayes 164, Noes 150 ; Majority 14 :—Main Question put, and *agreed to* :—Bill read a second time, and *committed* to a Select Committee.

(List of the Committee, *see* June 26.)

Sale of Liquors on Sunday (Ireland) Bill [Bill 95]—

Moved, "That the Bill be now read a second time,"—(*Mr. O'Reilly*) .. 1645
After short debate, Second Reading *deferred* till Tuesday 2nd July.

LORDS, THURSDAY, JUNE 6.

Consecration of Churchyards Bill (No. 15)—

Order of the Day for the House to be put into a Committee read .. 1649
After short debate, Order *discharged*.

Consecration of Churchyards (No. 2) Bill [H.L.]—Presented (*The Lord Bishop of Oxford*) ; read 1^a (No. 144) 1652

COMMONS, THURSDAY, JUNE 6.

RAILWAY BILLS—STANDING ORDERS—*Moved*,

That it is inexpedient, considering the advanced period of the Session, and the probability of a review by Parliament of Railway Legislation, to make any alterations in the case of Bills of the present Session, in the provisions for securing the completion of Railways which have hitherto been adopted in Railway Acts,—(*Mr. Milner Gibson*) 1652
After short debate, Motion *agreed to*.

EDUCATIONAL BUILDING GRANTS—Question, *Mr. Acland* ; Answer, *Lord Robert Montagu* 1659

IRELAND—THE "BLACK DEATH"—Question, *Mr. Verner* ; Answer, *Lord Naas* 1660

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METROPOLIS—VENTILATION OF SEWERS—Question, Sir George Stucley; Answer, Lord Robert Montagu	1661
CASE OF THE "TORNADO"—Question, Mr. Gregory; Answer, Lord Stanley ..	1662
DISTRESS IN IRELAND—Question, Mr. Gregory; Answer, Lord Naas ..	1662
ARMY—SALE OF COMMISSIONS—Question, Mr. M'Cullagh Torrens; Answer, Sir John Pakington	1663
IRELAND—THE FENIAN PRISONERS—Question, Mr. Maguire; Answer, Lord Naas	1663
RITUALISM—THE ROYAL COMMISSION—Question, Mr. Foljambe; Answer, Mr. Gathorne Hardy	1664
METROPOLIS—STREET OUTRAGES—Question, Mr. Owen Stanley; Answer, Mr. Gathorne Hardy	1664
COURTS OF LAW, &c. (SALARIES AND EXPENSES)—Question, Mr. Ayrton; Answer, Mr. Childers	1666
AGRICULTURAL STATISTICS—Question, Mr. Read; Answer, Mr. Stephen Cave	1667
SUPPLY—Order for Committee read:—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"	
ARMY—FENIAN RAID IN CANADA—FIELD ALLOWANCE—Question, Sir Andrew Agnew	1668
ARMY—ARTICLES OF WAR—Resolution (<i>Mr. Darby Griffith</i>) ..	1669
ARMY—EXCLUSION OF IRISHMEN FROM THE FOOT GUARDS—Observations, Mr. Herbert; Reply, Sir John Pakington	1671
Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no order should exist which has for its object the exclusion of Irishmen from Her Majesty's Regiments of Foot Guards,"—(<i>Mr. Herbert</i> ,)—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:—"	After debate, Amendment, by leave, <i>withdrawn</i> .
ARMY—EUROPEAN GARRISONS IN CEYLON, &c.—Resolution (<i>Mr. Oliphant</i>) ..	1682
Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable to postpone the construction of barracks in Ceylon, the Straits Settlements, China, and Japan, until after the Report of the Select Committee upon the distribution of troops in India and the Colonies shall have been received,"—(<i>Mr. Oliphant</i> ,)—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:—"	After short debate, Amendment, by leave, <i>withdrawn</i> .
ARMY—TRANSPORT AND SUPPLY DEPARTMENTS—Observations, Major Jervis, 1684; Reply, Sir John Pakington	1698
ARMY—INSPECTORS OF VOLUNTEER ARTILLERY—Question, Mr. Aytoun; Answer, Sir John Pakington	1698
Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.	
SUPPLY—ARMY ESTIMATES—considered in Committee. (In the Committee.)	
(1.) £802,500, to complete the sum for Manufacturing Departments and Materials for Warlike Stores—After short debate, Vote agreed to	1701
(2.) £263,000, to complete the sum for Military Store Establishment and Purchase of Warlike Stores—After debate, Vote agreed to	1703

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SUPPLY—ARMY ESTIMATES—Committee—*continued.*

- (3.) Motion made, and Question proposed, "That a sum, not exceeding £593,400, be granted to Her Majesty, to complete the sum necessary to defray the Charge for the Superintending, Establishment of, and Expenditure for Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment from the first day of April 1867 to the 31st day of March 1868, inclusive" .. 1711
After short debate, Motion made, and Question, "That the Item of £3,000, for Billiard Rooms, be omitted from the proposed Vote,"—(*Mr. Lusk*,)—put, and *negatived* :—Original Question put, and *agreed to*.
- (4.) £112,000, to complete the sum for Military Education .. 1715
After short debate, Vote *agreed to*.
- (5.) £59,300, to complete the sum for Surveys, United Kingdom.
- (6.) Motion made, and Question proposed, "That a sum, not exceeding £100,200, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Miscellaneous Services, which will come in course of payment from the 1st day of April 1867 to the 31st day of March 1868, inclusive" .. 1720
After short debate, Motion made, and Question, "That the Item of £26,624, for expenses attendant upon carrying out the Act for the prevention of Contagious Diseases at certain Naval and Military Stations be omitted from the proposed Vote,"—(*Mr. Candlish*,)—put, and *negatived* :—Original Question put, and *agreed to*.
- (7.) Motion made, and Question proposed, "That a sum, not exceeding £144,600, be granted to Her Majesty, to complete the sum necessary to defray the Charge for the Administration of the Army, which will come in course of payment from the 1st day of April 1867 to the 31st day of March 1868, inclusive" .. 1721
After short debate, Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Alderman Salomons* :)—Motion, by leave, *withdrawn* :—Original Question put, and *agreed to*.
- (8.) £13,100, to complete the sum for Reward for Military Service.
- (9.) £36,000, to complete the sum for Pay of General Officers.
- (10.) £231,800, to complete the sum for Pay of Reduced and Retired Officers.
- (11.) £79,600, to complete the sum for Widows' Pensions and Compassionate Allowances.
- (12.) £13,200, to complete the sum for Pensions and Allowances to Wounded Officers.
- (13.) £17,800, to complete the sum for Chelsea and Kilmainham Hospitals.
- (14.) £595,800, to complete the sum for Out-Pensioners.
- (15.) £68,000, to complete the sum for Superannuation and Retired Allowances.
- (16.) £11,000, to complete the sum for Retired Allowances for Disembodied Militia, Yeomanry Cavalry, and Volunteers.

Resolutions to be reported *To-morrow* ; Committee to sit again *To-morrow*.

Railway Companies Bill [Bill 164]—

Bill, as amended, *considered* .. 1722
After debate, Bill to be read the third time *To-morrow*.

Christ Church Ordinances (Oxford) Bill—Ordered (*Sir Roundell Palmer, Mr. Chichester Fortescue, Mr. William Henry Gladstone*) ; presented, and read the first time [Bill 190] .. 1727

Local Government Supplemental (No. 4) Bill—Ordered (*Mr. Secretary Gathorne Hardy, Mr. Selater-Booth*) ; presented, and read the first time [Bill 191] .. 1727

Poor Law Board, &c., Bill—Ordered (*Mr. Selater-Booth, Mr. Secretary Gathorne Hardy*) ; presented, and read the first time [Bill 193] .. 1727

Pier and Harbour Order Confirmation (No. 3) Bill—*considered* in Committee :—Resolution reported :—Bill ordered (*Mr. Dodson, Mr. Stephen Cave, Mr. Hunt*) ; presented, and read the first time [Bill 192] .. 1727

Metropolis Subways Bill—Select Committee on the Metropolis Subways Bill nominated :—List of the Committee .. 1727

LORDS, FRIDAY, JUNE 7.

PROOF OF FIRE ARMS—Question, Earl Spencer ; Answer, The Earl of Longford .. 1728

New Parishes and Church Building Acts Amendment Bill [B.L.]—Presented (*The Archbishop of York*) ; read 1^a (No. 146) .. 1730

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Agricultural Employment Bill [H.L.]—Presented (<i>The Lord Portman</i>); read 1 ^a (No. 147)	1730
Consecration and Ordination Fees Bill [H.L.]—Presented (<i>The Archbishop of Canterbury</i>); read 1 ^a (No. 148)	1730
Colonial Bishops Bill [H.L.]—Presented (<i>The Duke of Buckingham and Chandos</i>); read 1 ^a (No. 153)	1730

COMMONS, FRIDAY, JUNE 7.

STORM WARNINGS—Question, Colonel Sykes; Answer, Mr. Stephen Cave ..	1731
INSPECTION OF SHIPS—Question, Mr. J. A. Smith; Answer, Mr. Stephen Cave ..	1731
ARMY—CAPITATION GRANT TO VOLUNTEERS—Question, Mr. Schreiber; Answer, Sir John Pakington	1732
SUPPLY—Order for Committee read:—Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—	
NAVY—THE “GREENWICH SIXPENCE”—Observations, Mr. Trevelyan; Reply, Mr. Childers	1733
SALE OF LIQUORS ON SUNDAY BILL—Question, Sir Henry Edwards; Answer, Mr. J. A. Smith	1740
DISTRESS IN THE WEST OF IRELAND—Observations; Question, Sir John Gray; Answer, Lord Naas	1740
SUPPLY—ARMY ESTIMATES— <i>considered</i> in Committee.	

(In the Committee.)

- (1.) £3,722,700, to complete the sum for General Staff and Regimental Pay, Allowances, and Charges.
- (2.) £890,000, to complete the sum for Commissariat Establishment, &c.
- (3.) £420,000, to complete the sum for Clothing Establishments, &c.
- (4.) Motion made, and Question proposed, “That a sum, not exceeding £446,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of the Barrack Establishment, Services, and Supplies, which will come in course of payment from the 1st day of April, 1867, to the 31st day of March, 1868, inclusive.”
After short debate, Motion made, and Question put, “That the Item of £2,000, for the Furniture for Billiard Rooms, be omitted from the proposed Vote,”—(*Mr. Lusk*):—
The Committee *divided*; Ayes 12, Noes 72; Majority 60:—Original Question put, and agreed to 1750
- (5.) £28,000, to complete the sum for Divine Service.
- (6.) £14,000, to complete the sum for Administration of Martial Law.—After short debate, Vote *agreed to*.
- (7.) £195,600, to complete the sum for Hospital Establishment, &c.—After short debate, Vote *agreed to*.
- (8.) £561,600, to complete the sum for Disembodied Militia.—After short debate, Vote *agreed to*.
- (9.) £60,000, to complete the sum for Yeomanry Cavalry 1751
- (10.) £241,000, to complete the sum for Volunteer Corps.—After debate, Vote *agreed to*.
- (11.) £32,000, to complete the sum for Enrolled Pensioners and Army Reserve Force.—After short debate, Vote *agreed to*.

Resolutions to be reported upon *Thursday* next; Committee to sit again upon *Thursday* next.

Bankruptcy Acts Repeal (*re-committed*) Bill [Bill 133]—

Order read for resuming Adjourned Debate on Question [4th June], “That Mr. Speaker do now leave the Chair:—Question again proposed:—Debate resumed 1765

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “it is unjust to pass this measure by which any insolvent person who has contracted a debt amounting to £50, or several debts amounting to £100, shall be discharged from liability for all his Debts, except as regards his future acquired property or earnings, to the extent of half the amount of his debts, while insolvents who have contracted debts to a less amount will be liable to repeated imprisonment to compel them to pay their debts in full,”—(*Mr. Ayrton*),—instead thereof 1769

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Bankruptcy Acts Repeal (re-committed) Bill [Bill 133]—continued.

After short debate, Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*:—Bill *considered* in Committee.

Committee report Progress; to sit again upon *Thursday* next.

Investment of Trust Funds Bill—Ordered (Mr. Henry B. Sheridan, Mr. Ayrton); presented, and read the first time [Bill 197.] 1775

COMMONS, THURSDAY, JUNE 13.

Parliamentary Reform—Representation of the People Bill [Bill 79]—

Bill *considered* in Committee. [Progress June 3] 1776

Clause 9 (Certain Boroughs to return one Member only.)

After short time, Committee report Progress; to sit again upon *Monday* next.

SUPPLY—Order for Committee read:—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"

ARMY—ORDNANCE DEPARTMENT—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the present state and condition of the Ordnance Department,"—(Mr. Henry Baillie,)—instead thereof 1785

Question proposed, "That the words proposed to be left out stand part of the Question:—"—After long debate, Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—NAVY ESTIMATES—*considered* in Committee.

(In the Committee.)

(1.) £267,067, Coast Guard Service, Royal Naval Coast Volunteers, and Naval Reserve.—

After long debate, Vote *agreed to* 1813

(2.) £65,106, Scientific Departments.—After short debate, Vote *agreed to* .. 1839

(3.) £1,375,368, Dockyards and Naval Yards.—After short debate, Vote *agreed to* .. 1841

(4.) £86,395, Victualling Yards and Transport Establishments.—After short debate, Vote *agreed to* 1848

(5.) £62,686, Medical Establishments 1849

(6.) £17,448, Marine Divisions.

(7.) £855,511, Naval Stores.—After short debate, Vote *agreed to*.

(8.) £860,559, Steam Machinery 1853

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Lusk:—)—After short debate, Motion, by leave, *withdrawn*.

(9.) £888,588, New Works, Buildings, Machinery, and Repairs.—After short debate, Vote *agreed to*.

(10.) £80,664, Medicines, Medical Stores, &c. 1859

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Lusk,)—put, and *negatived*:—Vote *agreed to*.

(11.) £21,332, Martial Law.

(12.) £168,450, Divers Naval Miscellaneous Services.

(13.) £704,937, Half Pay, Reserved Half Pay, and Retirement.

(14.) £528,667, Military Pensions and Allowances.

(15.) £218,915, Civil Pensions and Allowances.

(16.) £405,976, Freight of Ships.

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to sit again *To-morrow*.

Courts of Law, &c. (Salaries and Expenses) Bill—Resolution reported and *agreed to*:—Bill ordered (Mr. Dodson, Mr. Childers) 1859

Industrial and Provident Societies Bill—Presented, and read the first time [Bill 198] 1859

COMMONS, FRIDAY, JUNE 14.

METROPOLIS—RECENT STREET OUTRAGES—Question, Mr. Owen Stanley; Answer, Mr. Gathorne Hardy 1860

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After short debate, Resolutions <i>agreed to</i> .	
Vaccination (re-committed) Bill [Bill 175]	
Order for Committee read :— <i>Moved</i> , “That Mr. Speaker do now leave the Chair,”—(<i>Lord Robert Montagu</i>)	 1863
After short debate, Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “the Committee be postponed till after the Report of the Medical Officer of the Privy Council, 1866, shall have been distributed,”—(<i>Sir J. Clarke Jervoise</i>),—instead thereof	 1886
After further debate, Question, “That the words proposed to be left out stand part of the Question,” put, and <i>agreed to</i> :—Main Question put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee.	
And, after long time spent therein, Committee report Progress ; to sit again upon <i>Monday</i> next.	
SUPPLY—Order for Committee read :—Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair :”—	
IRELAND—PETITION ON FENIANISM—Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “the Order of the House [3rd May], That the Petition of E. Truelove and others do lie upon the Table be read, and discharged ; and that so much of the Appendix to the Twenty-second Report of Public Petitions as comprises a printed copy of the said Petition be cancelled,”—(<i>Major Anson</i>),—instead thereof	 1890
After long debate, Question put, “That the words proposed to be left out stand part of the Question :”—The House <i>divided</i> ; Ayes 43, Noes 11 ; Majority 32 :—Main Question proposed, “That Mr. Speaker do now leave the Chair.”	
CASE OF MR. CHURCHWARD—Question, Mr. Taylor ; Answer, Mr. Gathorne Hardy	 1907
TREATY OF LUXEMBURG—Question, Mr. Labouchere ; Answer, Lord Stanley	1910
Question “That Mr. Speaker do now leave the Chair,” put, and <i>agreed to</i> .	
SUPPLY <i>considered</i> in Committee.	
Committee report Progress ; to sit again upon <i>Monday</i> next.	
Drainage and Improvement of Lands (Ireland) Supplemental Bill— <i>Ordered</i> (<i>Mr. Hunt, Lord Naas</i>) ; <i>presented</i> , and read the first time [Bill 199]	.. 1927
LORDS, MONDAY, JUNE 17.	
RAILWAY BILLS—STANDING ORDERS—Observations, Lord Stanley of Alderley ; Reply, Lord Redesdale	 1928
PUBLIC BUSINESS IN THIS HOUSE—Observations, The Earl of Shaftesbury	.. 1928
County Courts Act Amendment Bill (No. 140)—	
House in Committee (on Re-commitment) (according to Order)	.. 1929
Amendments made ; the Report thereof to be received on <i>Friday</i> next ; and Bill to be <i>printed</i> as amended. (No. 156.)	
Court of Chancery Officers Bill [H.L.]— <i>Presented</i> (<i>The Lord Chancellor</i>) ; read 1 ^a (No. 154)	 1933
COMMONS, MONDAY, JUNE 17.	
NAVY—NAVAL OFFICERS’ LEAVE—Question, Mr. Hanbury-Tracy ; Answer, Mr. Corry	 1934
FALSE WEIGHTS AND MEASURES—Question, Mr. J. Goldsmid ; Answer, Mr. Gathorne Hardy	 1934

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ARMY—DISTINGUISHED SERVICE PROMOTIONS—Question, Sir Charles Russell ; Answer, Sir John Pakington	1935
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ARMY—THE VOLUNTEERS—Question, Mr. W. E. Forster ; Answer, Sir John Pakington	1936
METROPOLIS—REGULATION OF THEATRES—Question, Lord Ernest Bruce ; Answer, Mr. Gathorne Hardy	1938
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Parliamentary Reform — Representation of the People Bill

[Bill 79]—

Bill <i>considered</i> in Committee [Progress June 13]	1942
Clause 10 (New Boroughs to return One Member each.)	
Clause 11 (Register of Voters to be formed for new Boroughs.)	
Clause 12 (Division of the Tower Hamlets.)	
Clause 13 (Registers of Voters to be formed for the Tower Hamlets.)	
Clause 14 (Division of certain Counties.)	
Clause 15 (University of London to return One Member.)	
After long time, Committee report Progress ; to sit again <i>To-morrow</i> at Two of the Clock.	

SIR JOHN PORT'S CHARITY BILL—Select Committee <i>nominated</i> :—List of the Committee	2006
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LORDS.

SAT FIRST.

FRIDAY, MAY 17.

The Earl of Brownlow, after the Death of his Brother.

The Lord Northbrook, after the Death of his Father.

FRIDAY, MAY 24.

The Lord Vernon, after the Death of his Father.

COMMONS.

NEW WRITS ISSUED.

MONDAY, MAY 13.

For *Sutherlandshire*, v. Right Hon. Sir David Dundas, Knight, Chiltern Hundreds.

TUESDAY, MAY 14.

For *Oxford University*, v. Right Hon. Gathorne Hardy, Secretary of State.

NEW MEMBERS SWORN.

THURSDAY, MAY 30.

Sutherlandshire—Lord Ronald Sutherland Leveson Gower.

THURSDAY, JUNE 13.

Weymouth—Henry Edwards, Esq.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE
SECOND SESSION OF THE NINETEENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND
APPOINTED TO MEET 1 FEBRUARY, 1866, AND THENCE
CONTINUED TILL 5 FEBRUARY, 1867, IN THE THIRTIETH
YEAR OF THE REIGN OF
HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, May 6, 1867.

MINUTES.]—PUBLIC BILL—Committee—Petty Sessions (Ireland) Act (1851) Amendment * (78).
Report—Petty Sessions (Ireland) Act (1851) Amendment * (78).

THEIR LORDSHIPS met, and having gone through the business on the paper, without debate,

House adjourned at a quarter past Five o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 6, 1867.

MINUTES.]—SELECT COMMITTEE—On Army (System of Retirement) appointed; Turnpike Trusts nominated.

Second Report—Metropolitan Local Government, &c. [No. 268.]

VOL. CLXXXVII. [THIRD SERIES.]

PUBLIC BILLS—*Resolutions in Committee*—Corrupt Practices at Elections [Salaries and Expenses]; Galway Harbour.

Second Reading—Pier and Harbour Orders Confirmation * [130]; Tramways (Ireland) Acts Amendment [124].

Referred to Select Committee—Corrupt Practices at Elections [119].

Committee—Representation of the People [79] [R.P.]; Customs and Inland Revenue * [113]; Vice President of the Board of Trade [22] [R.P.]

Report—Customs and Inland Revenue * [113].

Third Reading—Land Drainage Supplemental * [123], and passed.

STATUES OF CANNING AND PEEL.

QUESTION.

LORD ERNEST BRUCE said, he wished to ask the First Commissioner of Works, By whose authority the Statue in St. Margaret's Square of the late Right Hon. George Canning has been removed from its pedestal, and in what situation it is proposed to re-erect it; and, whether a site has yet been granted for the erection of a Statue of the late Right Hon. Sir Robert Peel, baronet, subscribed for in 1850

by his political friends and admirers, and long since executed by Baron Marochetti?

LORD JOHN MANNERS, in reply, said, he had already explained the circumstances connected with the temporary removal of the statue of Canning. A site, he was happy to say, had been allocated for the statue of the late Sir Robert Peel, in the immediate vicinity of the House. The only reason why it had not been erected was in consequence of the completion of works which were going on for the convenience of hon. Members. So long as these were proceeding it was perfectly impossible to erect the statue on the spot designed, but it would be placed there at the end of the Session.

MARTIAL LAW.—QUESTION.

MR. HEADLAM said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the attention of the Government has been directed to the presentment of the Grand Jury in the case of Colonel Nelson and Lieutenant Brand, "That Martial Law should be more clearly defined by Legislative enactment;" and, whether the Government propose in any manner to act upon the recommendation of the Grand Jury?

THE CHANCELLOR OF THE EXCHEQUER: We did not wait, Sir, for the presentment of the Grand Jury with respect to the important question to which the right hon. Gentleman refers. My noble Friend the then Secretary of State for the Colonies (the Earl of Carnarvon), very shortly after the meeting of Parliament, directed a Circular to Colonial Governors which may, and probably will, lead to very important results in this matter, and I think that at present the best course will be for me to lay that document upon the table.

IRELAND—THE QUEEN'S UNIVERSITY. QUESTION.

MR. CHICHESTER FORTESCUE said, he wished to ask the Chief Secretary for Ireland, What course the Government propose to take with respect to the Queen's University in Ireland, and whether they intend to bring in a Bill to remove doubts as to the validity of the acceptance by the Senate of the Supplemental Charter of last year, and to place the graduates to be admitted to degrees under that Charter upon an equal footing

Lord Ernest Bruce

as members of the corporate body of the University with the other graduates?

LORD NAAS: Sir, in answer to my right hon. Friend I have to say that a case was tried in the Rolls' Court in Dublin some months ago, when the whole question of the right of the Crown to grant this Supplemental Charter was raised, and the further question was also raised as to whether the Senate of the Queen's University could accept the Charter without the consent of the whole corporate body of the University. On the 16th of April the Master of the Rolls decided that the parties who had instituted that suit were not the proper parties to institute it; they had no *locus standi*, and on that ground the Master of the Rolls dismissed the case. But he also stated that the Court had, in his opinion, jurisdiction to decide the question as to the construction of the Charter of 1864, provided that the question was raised in a proper and technical form. He further said, though he was not called on to decide the point judicially, that, in his opinion, the Charter of 1864 does not vest the power of accepting or rejecting the new Charter in the Senate exclusively. So the matter stands; but I have been informed that an information is now in the hands of the Attorney General which will probably give rise to a new suit in this matter, in which case the whole question will be raised again. Under these circumstances, I do not think it would be wise for the House to interfere by legislation in a question of great doubt and difficulty. The question, I believe, can only be satisfactorily settled by the ordinary tribunals of the country.

MR. CHICHESTER FORTESCUE: Am I to understand that the Attorney General, on the part of the Government, has given his sanction to the renewed proceedings? I understand that they cannot be taken without his assent.

LORD NAAS: I speak with great diffidence on this matter, being a purely legal question; but I understand that the action of the Attorney General is purely Ministerial, and that if an application be made to him in the proper form, to become a party, he has no option in the matter.

PUBLICATION OF BANNS OF MATRIMONY.—QUESTION.

MR. MONK said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of

Her Majesty's Government to introduce in the present Session a measure on the subject of the publication of Banns of Matrimony? He wished to add that a practice had sprung up of publishing Banns in a form other than that enjoined by the statute, and he apprehended that such marriages would be null and void.

MR. WALPOLE, in reply, said, he thought that the hon. Gentleman had given an opinion in reference to marriages being null and void which could not be sustained. What he (Mr. Walpole) had to state in reference to the question put to him was this, that it was now in contemplation to issue a Royal Commission in conjunction with the Prelates of the Church, for the purpose of inquiring into certain Canons and Rubrics with regard to vestments and ornaments of the Church; and it was likewise in contemplation, but not yet decided, whether that Commission should not extend to other Rubrics, such as those relating to the publication of Banns of Matrimony, and until that point had been decided he must refrain from giving an opinion whether any Bill would be necessary or not.

IRELAND—THE REFORM BILL.

QUESTION.

MR. ESMONDE said, he would beg to ask Mr. Chancellor of the Exchequer, in reference to his answer on Friday last, when he said, in reference to a question on the subject of the Irish Reform Bill, "We shall take care of Ireland," what meaning is to be attached to such answer; whether such Bill is to be framed upon the principle of the Scotch Reform Bill as explained by him; and when it will be introduced?

THE CHANCELLOR OF THE EXCHEQUER: The meaning, Sir, to be attached to my words, which I do not myself recollect, though I do not doubt the accuracy of the memory of the hon. Gentleman, was this — that I meant to say that I would take care that the engagement of the Government to bring in a Bill to Amend the Representation of the People in Ireland should be virtually fulfilled, and my expectation is that very shortly after the introduction of the Scotch Bill, which will take place on Thursday, or on Monday at the latest, the Irish Bill will be introduced. I may take the opportunity of reminding the hon. Gentleman that the conduct of the Irish Bill will be under the care of my noble Friend the Chief Secre-

tary for Ireland. I have undertaken the care of the Scotch Bill, in consequence of the unfortunate absence of the Lord Advocate from this House. But, with regard to the Irish Bill, for the future the hon. Member will be good enough to direct his inquiries to my noble Friend (Lord Naas), who, I am sure, will satisfy him to the utmost of his power, and having had his mind for some time directed to the question will, I feel confident, make a statement that will be satisfactory to the House.

REPRESENTATION OF THE PEOPLE BILL—COMPOUND HOUSEHOLDERS.

QUESTION.

MR. W. E. FORSTER said, he would beg to ask Mr. Chancellor of the Exchequer, When the precise terms of his Motion on the subject of Compound Householders will be placed in the hands of Members?

THE CHANCELLOR OF THE EXCHEQUER: When we go into Committee I shall be able to make a statement upon the subject generally, with the permission of the House.

THE CATTLE PLAGUE.—QUESTION.

VISCOUNT GALWAY said, he wished to ask the Vice President of the Council, Whether there is any truth in the report that there has been an outbreak of Cattle Plague in London?

LORD ROBERT MONTAGU: Yes, Sir, I am sorry to say that there is truth in the report to which the noble Lord has alluded. Our attention was first called to the matter by hearing that a number of cows were being quietly removed by night in Limehouse. We took measures to discover whether there was cattle plague, which is always very difficult, as the utmost secrecy is maintained. At last the inspector found a dairy in which the cows were dying of cattle plague, and thirty-nine, I believe, were killed. It has also broken out in New North Road, Islington; also in Shepperton Street, which is in the vicinity. I may also mention that a heifer died of cattle plague last night and another this morning at Ashby Parva, in Leicestershire.

IRELAND—ESTABLISHED CHURCH.

QUESTION.

MR. LEFROY said, he wished to know from the hon. Member for Kilkenny, Whe-

ther he intends to persevere with his Motion in respect to the Established Church in Ireland?

SIR JOHN GRAY said, that having consulted some of his Friends around him, he found it was their unanimous opinion that his Motion was one which was calculated to effect a result that would conduce to the social harmony and well-being of the sister country. He should therefore proceed with it.

METROPOLIS—HYDE PARK.

QUESTION.

MR. YORKE said, that a report had reached him that cabs, costermongers' carts, and other vehicles had been admitted freely that morning into Hyde Park. He wished to know, Whether orders had been given to that effect; and, if so, whether the continuance of such a practice would be allowed?

MR. WALPOLE said, in reply, that the ordinary regulations with regard to Hyde Park remained exactly as they were. The police had positive instructions to prevent costermongers' carts or any similar vehicles from entering the Park.

MR. OSBORNE AND MR. DILLWYN.

EXPLANATION.

MR. OSBORNE: I wish to make an appeal to the hon. Member for Swansea (Mr. Dillwyn), and I hope the House will permit me to say a few words in explanation of that appeal. The question between us has assumed somewhat of a personal character, which I am sure the House will allow me to explain so far as my part in it is concerned. I should not have revived this subject at all, being perfectly contented to leave the matter as it stands at present, had it not been for the somewhat involved and obscure explanation of the hon. Member, reported in *The Times* newspaper on Monday last, and the equally obscure and involved position in which the compound-householder now stands. The hon. Member gave me notice in explicit terms that on Monday the 29th of April it was his intention to put to me a question as to where I obtained the copy of the memorandum from which I quoted. He moreover suggested the propriety that I should keep and produce the copy memorandum, to compare it with the original. I did not think it necessary to attend on Monday the 29th, being more agreeably

Mr. Lefroy

employed, because the question which the hon. Gentleman was about to put to me had been answered in *The Times* of the 16th by our respected mutual Friend the right hon. Member for Lewes (Mr. Brand). Therefore, the hon. Gentleman could be under no mistake as to where I obtained the information and the copy of the memorandum. I have adopted his suggestion. I have kept the copy memorandum, and I intend to produce it. I hope he will receive in an equally good spirit my suggestion that he preserve the original memorandum, and that he will give me the opportunity of comparing it with the copy. I can assure him if I have been wrong, and if I have been the unwitting means of misleading the House into the gigantic "mare's nest," which we were told it was in the other night, I shall feel bound not only to apologize to the hon. Gentleman and his band of twenty-one, but also to the House. I can only do this of course on the production of the original document. It has been thrown out in the heat of debate that this was a private communication; but I think the House will now see that it is not a private communication in any sense. It was a public document, drawn up in the lobby, for the purpose of influencing votes on a very material division. Moreover, it did influence votes, and the hon. Member has not denied in his place that this document was not of a private character. It has been shown to many people. The hon. Member for the Anglesea boroughs (Mr. Owen Stanley) is not the only Gentleman who communicated it to me. The copy, so far from being as affirmed by the hon. Member for Swansea, totally incorrect in form and substance, is in substance with one exception quite accurate. There is certainly a material exception relating to Lord Derby, whose name I believe has been taken in vain. If it is only in justice to Lord Derby, let the hon. Gentleman produce the original document. But I say this, and I am ready to maintain it, that the document is substantially correct, with that exception, both in form and substance. If there be any difference, being ready to produce the copy, I say to the hon. Gentleman that he has no alternative but to get up in his place and read the original. Again, the hon. and gallant Gentleman (Colonel Taylor), who so ably performs his part as a "whip," and who gives so much satisfaction to both sides of the House, has written a letter to *The Times*. I have nothing to

say against him. I never found fault with the hon. and gallant Gentleman. I think he was acting in his vocation ably and well. He was not a "whip" on that occasion, he was a fisher of men, and he caught a miraculous draught of fishes. I take the opportunity of apologizing to the hon. and gallant Gentleman for the mistake that happened in his not having had sufficient notice of my intention to bring this matter forward. I repeat to him what I said on a former occasion, that had I known he had been labouring under pain from the effects of an accident I would have dropped the matter altogether, because I value his good opinion and his feelings more than I do bringing this matter before the House. I was not aware of the cause of his absence, and I am glad that he has resumed his place. In justice to the hon. and gallant Gentleman, the hon. Member has no alternative but to produce the original memorandum; because in the letter which was written by the hon. and gallant Gentleman on the 13th, the day after this discussion, he gave an unqualified contradiction to the assertion that Lord Derby and Mr. Disraeli had said they were favourably disposed to the granting of Mr. Hibbert's Amendment. Mr. Hibbert's Amendment and the adjournment of the House have been jumbled up together all through. Let the hon. Gentleman recollect that this paper was signed and promulgated long after the adjournment of the House was decided, and could only have referred to Mr. Hibbert's Amendment. But if I am in any error the hon. Gentleman can set me right immediately. He has nothing to do but to produce the original paper. I say produce the memorandum, the whole memorandum, and nothing but the memorandum. I have never for a moment impugned the motives or the honourable intentions of the hon. Member. I believe him to be a sturdy and independent Member of Parliament, and to be possessed of the best intentions. At the same time, I cannot disguise from myself that, in this case, he has rather acted the character of a decoy-duck, and has allured fifty feathered and confiding dupes to follow him. I have nothing more to say; but I am ready to apologize to hon. Members, and especially to the hon. and gallant Gentleman, that the name of Lord Derby has, as I believe, been introduced by mistake. If the matter is to be set right, there is but one thing for the hon. Member to do, and that is to rise in his place, and let us see

this document which materially influenced the division of the 12th ultimo.

MR. DILLWYN: I thought the House had had nearly enough of this matter, but courtesy compels me to respond to the hon. Gentleman. The document was not promulgated, to my knowledge, after the Motion for Adjournment was decided on. My notice for the sitting of the 29th of April was given before the letter of the right hon. Gentleman (Mr. Brand) had appeared. The simple facts as to the part I have taken in the matter are these. When I saw an inaccurate version of a memorandum described as a correct copy of it, I felt bound to state to the House that the memorandum was different from the published version, and I gave the hon. Member notice of my intention to bring the matter before the House. It is not always easy to distinguish between a private and a public document. It is evident that this memorandum was a private, though not strictly confidential document. It was shown first to my Friends, and there was no secrecy in reference to it. It is evident that a private document may, under certain circumstances, if the public interests require it, be made public. Accordingly, I shall have no objection to produce it if the House wish. But I do not think I shall be wanting in courtesy if I decline to do so at the instance of the hon. Member. A certain amount of fair play as well as common caution is necessary upon occasions such as that to which the memorandum refers. What is imparted privately should not be unnecessarily blazed abroad. Still, if the House should think fit to make an inquiry into the conduct of myself and the hon. and gallant Gentleman (Colonel Taylor) I shall be quite prepared to produce the memorandum. At the same time, I would remind the hon. Member that the proper time for him to assure himself as to the correctness of the document was to have come to me before he took action in the matter, and put to me the plain question, "Is this a true version of the memorandum?" The hon. Member did not do so. I have since compared the original document with the supposed copy of it, which appeared in *The Times*, and find the latter inaccurate. If he had come to me at the proper time I should have set him right upon the facts of the case. As it is, I respectfully decline to do so.

COLONEL TAYLOR: I am unwilling to occupy the time of the House with any

matter personal to myself; my remarks will therefore be few. When the hon. Member (Mr. Osborne) first thought it necessary to bring forward this subject I was unfortunately absent, and I thought myself justified under the circumstances in sending an explanatory statement to the newspapers on the day after the adjournment. That statement was published, and I do not wish to alter or add to any part of it. I wish to say that I think now, as I have always thought, that the conversation I had with the hon. Member (Mr. Dillwyn) was of a private nature, and I am not surprised that he has declined to comply with the request of the hon. Member (Mr. Osborne). He has indeed done nothing but observe the rules which should be observed between two honourable men.

MR. OWEN STANLEY: The House will allow me to point out to the hon. Member (Mr. Dillwyn) that if he has anything to complain of it is his own fault. When the document was read it was never supposed to be a copy of his document. It was written from my recollection of the contents of the document. If the hon. Member had to object that the document read was not correct, he should have taken that objection when the hon. Member (Mr. Osborne) read it. The hon. Member never said that the document was correct or incorrect. I told him immediately after the discussion, in the lobby, that I should be sorry if anything I had done should be taken amiss. On that occasion he did not say that the document was private.

MR. HIBBERT: As the discussion affects the Amendment of which I have given notice, I wish to state that, as far as I am concerned, I was entirely ignorant of the memorandum in question. This fact, therefore, tends to show the private nature of the document. I was not consulted about it, and I never heard anything about it until the following day, when it was communicated to me by the hon. Member (Mr. Owen Stanley). That hon. Member asked me if I had seen the document. I replied I had not, nor had I heard of it. The only part I took in respect to my Amendment was that I put a Question to the Chancellor of the Exchequer as to whether the right hon. Gentleman was prepared to accept it or not. The answer which the right hon. Gentleman gave me was that he would give it fair consideration. I therefore consider that it is perfectly open to the right hon. Gentleman to

Colonel Taylor

take any course he may think proper in respect to my Amendment. I do not think that either the Chancellor of the Exchequer or the party with whom he acts are in any way committed by what has taken place on the subject. Whatever I have done in this matter I have done openly in the House.

MR. LOWE: It seems to me, Sir, that though we are not to have the document of the hon. Member (Mr. Dillwyn) produced, there is enough before this House to justify a single comment which I am anxious to make. The hon. and gallant Member (Colonel Taylor), in his letter in *The Times*, said that he told the hon. Member in the dialogue he had with him that his attention had been drawn by many hon. Members to the Amendment of the hon. Member (Mr. Hibbert), that the Chancellor of the Exchequer was favourable to it, and that the right hon. Gentleman would, no doubt, bring it before the Cabinet. I am not quoting the words, but that was the sense of the hon. and gallant Gentleman's letter. The division took place. If votes were influenced by that document the influence was over. What did the Chancellor of the Exchequer then do? He gave a notice to the House, and in giving that notice took the opportunity of saying that that very clause of Sir William Clay's Act on which the Amendment of the hon. Member—to which he had been represented as favourable—is founded, was a bad clause, and that he intended to propose its repeal. I think that that is worthy of observation and of explanation, if any explanation is to be offered. The hon. and gallant Member, the authorized agent of communication between the Government and the House, represents to Members before a most important division that the Chancellor of the Exchequer is favourable to the Motion of the hon. Member for bringing compound-householders under £10 within the clause of Sir William Clay's Act, and that he will no doubt bring the question before the Cabinet. After the division, after these reports have had whatever effect they may have had, the right hon. Gentleman comes down and says that the clause is a bad one, and, instead of consenting to bring other people under its efficacy, gives notice of a Motion to repeal it altogether. That seems to me to require explanation.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not know whether there is any Question before the House. If there

were, I should take the opportunity of making a few remarks upon this subject, and also upon the Question put to me by the hon. Member for Bradford (Mr. W. E. Forster).

MR. SPEAKER: It is merely a matter of personal explanation.

THE CHANCELLOR OF THE EXCHEQUER: Well, I will defer my observations until we go into Committee.

IRELAND—FENIANISM.

PETITION. PRIVILEGE. OBSERVATIONS.

MR. DARBY GRIFFITH said, he wished to call the attention of the House to certain expressions contained in a petition presented by an hon. Member (Mr. Bright) on Friday last. The words were these—

“That in the apparent hopelessness of a remedy for the evils which press on their country, honourable Irishmen, however mistaken, may feel justified in resorting to force; that, in a word, there are legitimate grounds for the chronic discontent of which Fenianism is the expression, and therefore some palliation for the errors of Fenianism.”

Exception was taken to those expressions at the time, and he now contended that they amounted to nothing less than a justification of treason. It was hardly necessary to state that it devolved on any hon. Member who presented a petition to make himself acquainted with its terms, and see that it was temperate and respectful towards the Sovereign, the Government, and the Courts of Justice.

MR. GILPIN rose to order, objecting that this was not a question of privilege.

MR. SPEAKER said, he was unable to decide the point until he had heard what the hon. Member had to say and to propose.

MR. DARBY GRIFFITH said, that an hon. Member was recently called to order for using certain expressions in the heat of debate. The Speaker on that occasion expressed a decided opinion as to the impropriety of applying the words “sympathizers with Fenianism” to certain Members of that House.

COLONEL FRENCH said, that this could not be a matter of privilege, since it referred to expressions to which an objection was taken at the time; but which were ruled by the Speaker to be perfectly admissible.

MR. DARBY GRIFFITH said, he wished to appeal to the amended consideration of the highest authority in that House. It could not be supposed that the right

hon. Gentleman could be always ready to pronounce offhand a judgment upon the terms of a petition; and from the long period during which the hon. Member (Mr. Bright) had sat in the House, he might naturally have relied upon his not presenting a petition that was offensively worded. On the occasion to which he was referring an hon. Member (Sir Henry Edwards) having used certain expressions respecting Fenianism, the Speaker gave the following decision:—

“He had expressed a very decided opinion as to the impropriety of the original expression, and he now expressed as strong an opinion with respect to the words ‘sympathizers with the Fenians,’ because an Address of the House, in answer to the Speech from the Throne, stated that Fenianism was alike hostile to property and religion, and that it was discountenanced by all those who were engaged in the maintenance of order and religion.”—[3 *Hansard*, clxxxvi. 885.]

It would hardly be maintained that language might be used in petitions which would not be allowed in debate. In that case, petitions would be resorted to as a cloak for expressions of disloyalty, which would be out of order if uttered by a Member.

SIR GEORGE GREY said, he understood the hon. Member to quote the petition from a newspaper report. The proper time to take an objection to a petition was either at the time of its presentation or after it had been printed by the Committee on Petitions. The hon. Member had been commenting on a petition which was not before them, and which he had not seen. Before the House could consider the question the petition should be sent for and read by the Clerk at the Table, or an authentic copy of it should be produced, due notice having been given, since there was nothing to take it out of the regular course.

MR. SPEAKER: I was unwilling to interrupt the hon. Member until he had an opportunity of stating what the precise matter was which he wished to bring before the House. But, having heard the hon. Gentleman so far, I have no doubt that his claim of privilege at this moment cannot be admitted. It is not as if this petition had been presented, but not observed upon at the time of presentation. It was commented upon by three hon. Gentlemen, the hon. Member himself, I think, being one of them. I then stated that if any hon. Gentleman had any objection to raise to the acceptance of the petition, that was the proper opportunity. One hon. Gentleman moved that the petition be rejected; but, after some observa-

tions made upon the subject, he withdrew that Motion. When I put the Question that the petition do lie on the table, no objection was raised. The House received the petition. It is for the House, and not for myself, to decide on the acceptance or non-acceptance of a petition. If, on mature consideration, the hon. Member thinks there is anything in the petition which ought to induce him to bring it under the consideration of the House he can give notice, and make a Motion for having the order rescinded. It is not for me to prescribe the exact terms to be used by petitioners in making known their views to this House. This is temple of free speech and of free thought. The rules with regard to the form of petitions are well known. I have only to repeat that if the hon. Member wishes to take any further action on this petition he must do so by notice.

MR. NEWDEGATE said, that he had supported the reception of the petition. If the hon. Member had given notice of his intention to bring this subject forward, he should have felt it his duty to examine the petition. He had been unable to obtain either the petition or a copy of it.

PARLIAMENTARY REFORM—
REPRESENTATION OF THE PEOPLE
BILL—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 2.*]

Bill considered in Committee.

(In the Committee.)

Clause 3 (Occupation Franchise for Voters in Boroughs.)

* Amendment in p. 2, line 5, to leave out the words "two years," and insert the words "twelve calendar months."—(*Mr. Ayrton.*)

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 197; Noes 278: Majority 81.

Question proposed, "That the words 'twelve calendar months' be there inserted."—(*Mr. Ayrton.*)

Question again proposed, "That the words 'twelve calendar months' be there inserted."

THE CHANCELLOR OF THE EXCHEQUER: I wish to make a statement re—
Mr. Speaker

garding this Bill, and especially regarding the 3rd clause, which may facilitate our arrival at a conclusion on some most important points. I believe I am strictly in order; but if I am not, perhaps the Committee will be so indulgent as to allow me to make my observations. First, as to the question of the hon. Member (*Mr. W. E. Forster*), with respect to the new clause of which I gave notice. I regret the clause is not already in the hands of hon. Members; but the hon. Gentleman knows the difficulties which arise in these matters. The clause has been prepared, but it was not in the form exactly I wished, so as to enable us to produce it. I expect that it will be in the hands of Members to-morrow morning. I will explain in a moment the exact character of the clause. I wish to refer to a subject which has given rise to a rather irregular conversation. I allude to the Amendment of which notice had been given by a Gentleman much respected (*Mr. Hibbert*). That hon. Member is perfectly accurate in the statement he has made to the House, that there was no communication between him and me. No communication, directly or indirectly, ever took place between us. When the hon. Member asked his Question, he told me that I need not answer it that day, but I said I should prefer to do so at once. I then assured the hon. Member that the subject should receive a candid consideration from the Government. Perhaps I may have added—I do not know that I did so, but, if I did, I only stated what I felt—that we should consider it in the hope of arriving at a satisfactory solution. I have fulfilled that promise. I brought the matter under the consideration of my Colleagues, and it received their very anxious consideration. I regret to say that it is not in our power to agree to the Amendment of the hon. Member in the form in which it stands. It is not in our power to relieve the compound-householder in the manner suggested. I have placed on the table Amendments, the object of which is to give facilities to compound-householders to claim and possess the franchise, which Amendments I think every one will admit are a substantial means of facilitating that object. Every occupier of a house will be entitled to have his name inserted on the rate book, in which will be inserted the names of the occupiers and the amount of the rate. Any compound-householder whose name is not on it may on application obtain a form, which, when it is filled up,

he may send through the Post Office, free of charge, to the proper official persons, and they are bound, on receipt of this claim, to insert the name of the claimant in the rate book, and to apprise him of the amount of the rate. As thus providing a means for the compound-householder to get on the rate book and obtain a vote, these facilities cannot be questioned. But what we propose further is that the compound-householder, having thus obtained the recognition of his claim and paid his rate, notice must be given to the owner. The occupier will be rated, and pay his full rates, and have the power of deducting from the rent the full amount of the rate paid by him. So far no fine can be levied on the occupier. [Mr. GLADSTONE: Not in the new clause.] It is in the amended clause. The right hon. Gentleman will see in a moment the reasons why these details should be known. All these details refer to the borough franchise. I think therefore, so far as the compound-householder is concerned, that it cannot be for a moment maintained that he pays a fine, because when he pays his full rate he is empowered to deduct it from the rent. There has been a great misapprehension upon the nature of the rent paid by compound-householders under the existing system. I have the advantage of not speaking without accurate information on the subject, and I shall be expressing the opinion of persons of the highest authority in what I am about to say on this point. The elements which enter into the relations between the compound-householder and his landlord may be thus described. There are three—first, the rent charged; second, the amount of the composition; and third, the bonus allowed to the landlord in consideration of the trouble and risk he incurs in making himself responsible to the parish. Generally speaking, it will be found—I do not say that it is a rule without an exception, but the general conclusion amounts to a rule which should influence legislation—that if you add the second and third items together, the amount of the composition and the bonus, you will arrive at the full amount of the rate. Therefore, I may fairly conclude that, as a general rule—so general that, as I say, it amounts to a conclusion which should regulate legislation—the compounder does pay the full rate now. It would be disingenuous in me not to acknowledge that this point, at an earlier period of the Session, was placed before

the House by the right hon. Gentleman (Mr. Gladstone), and other hon. Members, with great powers of argument and illustration. I had entertained some doubts about it, but I am bound to say that subsequent researches and the more enlarged information we now possess justify the conclusion. Therefore, as I think it has been proved that the compound-householder pays the full amount of the rate, he has a right to deduct that amount from the rent he pays his landlord. It will be said that, though unquestionably the compound-householder no longer could be said to pay a fine, the landlord is fined, that the fine is only shifted from the tenant to the landlord. But we propose, the moment the compound-householder claims the right of exercising the franchise, and of paying the full rates and deducting the full rate from the amount of his rent, to exonerate the landlord from the guarantee which he has given. It is impossible, therefore, to say that the landlord will be fined. We thus make a proposal which will entirely divest the question of the invidious character which has been so much enlarged upon, and neither the tenant nor the landlord will thus incur the fine which has been mentioned. With regard to the Amendment of the hon. Member (Mr. Hibbert), I can assure him again that it has been most carefully and anxiously considered. We cannot arrive at the conclusion that it is expedient, just, or politic, that we should create and establish among a considerable class of people invidious distinctions, which would produce heart-burnings among neighbours who, though living in the same town, leading the same life, and fulfilling the same duties, are not liable for the same amount of rates. It is of the utmost importance that the same amount of rates should be paid. The new clause I shall bring in, and place upon the table of the House to-night. The Amendment which I wish to make in Clause 34 will leave in it all the facilities which I originally proposed, as well as the new suggestions with regard to the compound-householder. With regard to the 14 & 15 *Vict. c. 14, s. 3*, we propose to repeal that clause, of course saving all existing rights, and of course extending to compounders under the old Act the same privileges which compounders are to enjoy under the Bill. The compounders under the old Act could not claim to be recouped from the landlord for the rates which they paid, and now they have the power of claiming to be paid the full amount. [Mr.

[*Committee—Clause 3.*]

BRIGHT: Will the right hon. Gentleman explain what he means by "existing rights?" I mean that as to every person whose name is on the register now, the rights that he enjoys under existing laws will not be interfered with. That is what I call existing rights. These are the Amendments which I wish to bring before the consideration of the Committee. The practical course I wish to suggest as the best is this—when we have concluded the 3rd clause, to move that all the other clauses should be postponed in order that we may take the 34th clause, which includes all these arrangements about the compound-householder. Then we shall work at one subject, and not deviate from the important question of the borough franchise until it is settled. In the meantime, I place in the hands of the clerk the Amendment which I propose. I think I have explained to the House the general view we take with regard to the conduct of the Bill. Of course, the adoption of it depends entirely upon the feelings of the House and upon the assent of the right hon. Gentleman (Mr. Gladstone) and other Gentlemen who have taken a great interest in the matter.

MR. GLADSTONE: There is one important point with respect to which I shall be glad if the right hon. Gentleman will let us know the intentions of the Government. I do not know whether I am to gather from the statement of the right hon. Gentleman that the position of the old compounder and that of the new compounder will, under the new law, according to the proposals of the Government, be exactly alike in all particulars. Is it so? I will state to the right hon. Gentleman the point I have in view. As I understand the clause of which he has given notice, and which is in the Votes of to-day, headed "Regulations as to rating, clause to follow Clause 35," the new compounder, upon claiming to be registered, ceases to be a compounder, and becomes a direct rate-paying-householder. I do not see any words in the clause which would have the effect of extending the provision to the old compounder. I shall be glad to know whether these provisions are to be extended to the old compounder, or whether the old compounder, liable to pay the full rate, is still to be allowed to continue a compound-householder?

THE CHANCELLOR OF THE EXCHEQUER: It is rather an abstruse point to enter into; but, as I am advised, it is not

necessary to interfere with the 1st and 2nd clauses of the Act.

MR. BRIGHT: I wish to suggest that as there are two important Amendments to be dealt with to-night—I allude to the Amendments of which the hon. and learned Member (Sir Roundell Palmer) and the hon. Member (Mr. McCullagh Torrens) have given notice—it would be convenient to the House if the Chancellor of the Exchequer's new clause were printed and the whole of the matter placed in proper shape before the House goes into Committee again upon the Bill. The right hon. Gentleman is evidently making a little progress, and perhaps if we postpone the Bill for a day or two we shall come to some agreement upon the subject. I am anxious about this because the constituency which I represent—one of the largest in the country—is one of the most unfortunately treated by this Bill, and in all probability it will be so still even if the proposals of the right hon. Gentleman are carried. I want to suggest that we should not go into these points to-night, for, after all, they are the great points of the Bill, and the Committee should go into them thoroughly comprehending the changes the Government now propose, so that we might, if possible, come to some, it might be even unanimous, vote. I do not despair at all. It is quite clear that the Chancellor of the Exchequer is more disposed to take the House into his counsel than he was a few weeks ago, and it is clear, as his Friends perceive, that they might as well swim over the river as swim back again. One is at least as safe as the other if we are really coming to an agreement. I do not despair that we may get over this difficulty of the compound-householder altogether and treat him, as he is, as good as his neighbour. The right hon. Gentleman said, "Why should we have a man differently treated from his next door neighbour?" using the language of the right hon. Gentleman (Mr. Gladstone) and others uttered in this debate. I have a sort of feeling that if hon. Gentlemen opposite would be a little more bold—the least in the world—after what they have done they need make but one more effort—I will undertake to say that the Chancellor of the Exchequer, though I know nothing but what I have gathered from sitting opposite to him this Session, will be more pleased if you give him power to act freely—and he knows as well as I know what is right—than he will be by any effort you may make to

keep him from making this Bill a great Bill, memorable for this Session, and for all time a great advantage to the country.

SIR RAINALD KNIGHTLEY said, he objected to delay. If they gave the right hon. Gentleman the Chancellor of the Exchequer more time, he might be more inclined to advance towards the views of the hon. Member (Mr. Bright), and he had gone a great deal too far in that direction already.

SIR ROUNDELL PALMER said, he wished to ask a further question with regard to the deduction which the occupier was to make as against the landlord. Was that deduction to be limited to the payment any occupier had to make in the first instance to get on the register, or would he from year to year continue to be entitled to deduct as against his landlord, who was a compounder, all which he might afterwards pay?

Amendment agreed to.

SIR ROUNDELL PALMER said, that the Chancellor of the Exchequer had not answered his question as to whether the deduction which it was proposed to allow the occupier who claimed to be rated to make against his landlord was a deduction only of the payment he must make in the first instance, or whether the same principle would be applied every year as long as he was rated under that claim.

THE CHANCELLOR OF THE EXCHEQUER: Certainly every year.

SIR ROUNDELL PALMER said, he moved the omission in line 5, page 2, of the word "inhabitant." There was another Amendment which stood on the paper in his name, to the effect that in a subsequent part of the clause the word "dwelling-house" should be omitted, in order to insert the words "house, warehouse, counting-house, or shop," thus making the qualification accord with that of the Reform Act of 1832. By that Act all borough occupiers of £10 or upwards were entitled to be placed on the register by virtue of an occupation of a house, warehouse, counting-house, or shop, and need not be tenants of the tenements they occupied. It was provided, however, that they must reside in or within seven miles of the borough in which the property was situate. His present object was to introduce a similar provision in this Bill. As by the present measure a departure was made from all pecuniary standards of value he did not propose to add the words "or other building," which were to be

found in the Act of 1832, as it would lead to the manufacture of faggot votes.

MR. GOLDNEY said, he thought it would be very unwise at the present time to omit the word "inhabitant," because if that word were taken out there would be no clause of residence whatever in the Bill. The proposed alteration would bring about the evil the hon. and learned Gentleman deprecated, that of creating faggot votes. The words referred to by the hon. and learned Gentleman were not used in the Reform Act, but in the Municipal Corporations Act. It had been decided that under those words attorneys' offices, stables, factories, mills, and a variety of other very large buildings used for the purposes of trade did not form a qualification for a vote. Therefore, if there was to be an extension beyond the inhabited houses the words ought to be enlarged, as was done in the Reform Act, by the addition of the words "or other building." If, however, that course were adopted the result would be that persons might, by getting up a set of stables and calling them warehouses, create thirty or forty voters in a borough. It would, in his opinion, open the door to all sorts of faggot votes, and therefore he thought it would be much better to allow the clause to remain as it at present stood. The effect of the clause as it stood would be to enable all persons who wished to obtain the right of voting to be properly placed upon the register, while it would exclude itinerant persons, such, for example, as the men who went about the country attending large markets. If the proposed extension were made, a person who lived forty or fifty miles from a borough might rent a standing in the corn market, call it a shop, and so qualify himself to be placed on the register, as he would say that he had a residence, because he slept in an hotel in the town once a week or once a month. He hoped, therefore, the Committee would agree with him that the word "inhabitant" ought to be retained in the clause.

SIR ROBERT COLLIER said, the object of the Amendment of his hon. and learned Friend was to carry out the principle which had been affirmed by a large majority of the House in the late division—namely, that the voters below £10 should be placed substantially on the same footing in regard to residence as the voters above £10. If the Committee were satisfied with an occupation of one year, and a residence of six months in the case

[Committee—Clause 3.]

of the £10 householder, why not also in the case of those under that line? It was saying to the latter, in fact, "We consider you, *primâ facie*, less respectable than the voters above that line." He protested against this division of the constituencies into two classes of superior and inferior, more and less respectable voters. The Earl of Derby had said that the object was to get rid of the migratory classes. His hon. and learned Friend (Mr. Roebuck) had put it more tersely, and more clearly—to get rid of the vagabonds—but why draw the hard and fast line between £9 and £10? The object of the Amendment was to place those below the £10 in the same position as the £10.

MR. AYRTON said, that he did not clearly understand the object of the Amendment, but he could not accept the interpretation of the hon. and learned Gentleman who had just spoken. He disclaimed the interpretation which had been put upon the late division, and denied that the House meant to affirm all the propositions which had been attributed to the majority. The Committee had affirmed merely the question put before them, on its own merits. They would make more progress by dealing with the question on its own merits than by involving themselves in considerations foreign to the subject before them. Before deciding on the Amendment it was necessary to have some more clear idea on the subject than they had derived from the speeches that had been delivered. It meant that one enjoyed the suffrage because he was the inhabitant of a certain place. It meant nothing more. They might add an occupation suffrage, which was quite a different thing, as one occupied a house, shop, or warehouse, if he kept a portmanteau there and had command over the key. The suffrage they were dealing with was a household suffrage. He confessed that when he first saw the Bill he doubted whether this was sufficiently strongly expressed, but no doubt the hon. and learned Gentleman when he used the word "inhabitant" and "dwelling-house," thought that was made sufficiently clear. If so, it was not for him to be hypercritical. He wanted, however, to know what was the precise view of this Amendment, and until he did he could not consistently vote for it. He desired to have it presented to his mind in such a clear way as would enable him to see whether or not they were departing from the essential basis of household suf-

frage that was necessary when they were not legislating on the basis of value. He was utterly opposed to all occupation suffrages beyond those allowed by the present law.

MR. HEADLAM said, he understood that the Amendment proposed to give a vote to persons who were not inhabitants, but nevertheless were occupiers of warehouses, counting-houses, or shops. But if persons who were not inhabitants were to be enfranchised, what would be done respecting the expenses of conveying non-resident voters to the poll? In the borough which he represented (Newcastle-on-Tyne) there were 2,000 freemen who possessed votes when they lived within seven miles of the borough. He therefore knew the difficulties of conveying voters to the poll, and thought that until you made such expenses illegal at an election, the less you did in the direction of creating more out-voters the better.

MR. GLADSTONE said, he hoped his right hon. Friend who had just sat down would, when the proper time came, raise the important question to which he had referred, with respect to the conveyance of voters. This was one of the very sore and disagreeable chapters of our electoral system. He (Mr. Gladstone) desired to point out that they were at the present moment in danger of considering and deciding at once two Amendments that were totally distinct. The hon. Member (Mr. Goldney) had said he could not vote on the present Amendment without looking forward to the Amendment which was to follow. But why was it impossible to vote for any Amendment in Committee on a Bill without at the same time voting on an Amendment which was to follow? He should say if there was any impossibility in the case, the impossibility was to vote on the two at once, and not to vote on the first without voting on the second. He could understand any one saying that on a particular Amendment, because in doing so he might virtually be binding himself to vote for other Amendments that stood later, and of which he did not approve. If it were true that the questions raised by the present Amendment were the same as that raised by the subsequent Amendment the argument would be legitimate, and hon. Gentlemen would be justified in saying they refused to vote for the one because of that which was to follow. His right hon. Friend (Mr. Headlam), and the hon. and learned Member (Mr. Ayrton), had

referred to topics which he admitted to be of considerable importance and difficulty. Whether they were to have an occupation franchise other than a residential franchise for any persons living in houses below £10 he granted was a very important question, and one which would well deserve consideration when they came to the proposal of his hon. and learned Friend on that subject. He conceived it would be open to any one to argue that if an occupation franchise was to be allowed a limit of value must be fixed for the purpose of regulating it. His hon. and learned Friend (Sir Roundell Palmer's) Amendment might be considered either in a broader or a narrower view. He accepted it in both views. In the broad view it was that which had been stated by his hon. and learned Friend (Sir Robert Collier), when he said it was proposed to resist making distinctions between voters above and below £10. He (Mr. Gladstone) accepted the Amendment cordially in that sense. They intended at every stage of the Bill to take every opportunity of asserting the principle of equal treatment at the hands of Parliament towards those who were thought to be entitled to the suffrage. But that was the broader view. He did not ask hon. Gentlemen to accept the Amendment on that ground alone. He should vote for it on the principle that for the first time, and without any reason given, it fixed the period of residence to be the same as that of occupation. That was not the present law. The present law required an occupation of twelve months and a residence of six months. It had been said that if they struck out the word "inhabitant" they would have no provision for residence. He concurred in that, and was prepared to vote for words being inserted insisting on the term of residence being the same as was required by the present law. The House had reduced the term of occupation from two years, as proposed by the Government, to one year, the term required by the existing law. He thought he might say that the main and ruling consideration with many Members of the House in the vote they would give was an indisposition to create two rules, one for voters below £10, and another for those above that sum. The House would remember the sympathy elicited by the observation of his hon. and learned Friend (Mr. Ayrton), in moving the Amendment reducing the term of occupation to twelve months, when he said

if they created that distinction of a term of occupation of two years for voters below £10 and one year for those above £10, they would be re-introducing that hard and fast line they were so desirous of getting rid of. Well, here was the hard and fast line again. The House had settled it as to occupation, why not do so in the same way as to residence? They desired to get rid of these distinctions, on the best of all grounds—namely, that needless and invidious as they were, if left in the Bill they would have the effect of creating perpetual uneasiness and restlessness until they were by further alteration disposed of. Therefore he was anxious that they should not be understood as in any manner committing themselves to any question relating to shops, buildings, or warehouses, with respect to the qualifying tenement. He maintained that no case had been shown for not fixing the same term for residence and occupation. On that question he should give his vote. He could not help hoping that the hon. and learned Gentleman (Mr. Ayrton) would not add to it a comparatively narrow though important point.

Mr. NEWDEGATE said, he could not vote for an Amendment which proposed, as he conceived the present Amendment did, to undermine the security of residence. He entertained a strong feeling on the question of residence, and remembered when in America travelling round several States with a bevy of Irish platelayers, who voted during the election for President in State after State. He was sure that they could introduce no more dangerous element in this country than to create any uncertainty as to the residence of the voter, because the House had already abandoned every other test except the payment of rates. They desired to give the vote to the citizen who had a local interest, and it was necessary the voters should be resident in order that the opinions of their neighbours might act upon them. He should vote against the Amendment.

Mr. CLAY said, that the right hon. Gentleman (Mr. Gladstone) and the hon. and learned Gentleman (Sir Robert Collier) had laid great stress on the propriety of doing away with any difference between the voters to be enfranchised under the Bill and those that already existed. He concurred in the desire of getting rid of every possible difference; but he could not think that every other consideration was to be overridden in pursuit of an equality

which never could by any possibility exist. One difference must always remain—namely, the old voters would hold their privilege by one title and the new ones by another. The Reform Act laid it down that a £10 house was a good test of respectability and fitness for a vote. They were now about to establish a newer and better title—namely, that a man should be a householder and pay poor rates. Household suffrage was what they wished to arrive at, and they would arrive at it. In his view household suffrage presumed an inhabitant. A man was to have a vote because he had a house, because he had the responsibilities of a householder, and was in most cases the head of a family. For these reasons he should oppose the Amendment.

MR. SERJEANT GASELEE said, he could not understand what was meant by striking out the word “inhabitant,” or what difference it could make, because a man could occupy a house only by being an inhabitant. [“No, no!”] That was the law. To occupy a house a man must have an opportunity of living and sleeping in it. He had always been an advocate for household suffrage, and he was content to take household suffrage to imply an “inhabitant.” He would therefore vote against the Amendment.

MR. DENMAN said, he had listened with no little astonishment to the assertion of the hon. and learned Member who had just sat down, when he said that occupation and residence were the same thing. The word “inhabitant,” as the clause stood, was overridden by the words “twelve months.” An “inhabitant” meant the same thing as a “resident.” He objected to making the borough franchise dependent, as far as regarded small houses, on a twelve months’ residence, when for £10 houses a residence of six months was sufficient. It was unwise to introduce unnecessary distinctions. The present distinction was arbitrary, unwise, and unnecessary, and would lead to future agitation on the subject. He had given notice of an Amendment to strike out Clause 33, repealing so much of the 6 *Vict.* c. 18, as related to the residence of voters at the time of giving their votes. He objected to the striking out of that requirement, for it would throw upon the candidate a great deal of unnecessary expense in bringing up the most unsatisfactory of all voters, those who had ceased to reside in the borough. He would

Mr. Clay

support any proposal requiring of the new voters the same six months’ residence as that required by the Reform Act.

MR. AYRTON said, there had been a misunderstanding of what he had stated the other day. He then said he was in favour of six months’ residence rather than a residence of twelve months, and for the reasons stated by the right hon. Gentleman (Mr. Gladstone.) The Committee adopted the twelve months, and they were now in a difficulty. But this was no ground for altering the character of a household suffrage, giving the franchise to inhabitant, as distinguished from the nominal occupier.

SIR ROUNDELL PALMER said, it was not his wish to trouble the House with a division. He could not think of pressing his Amendment against the general sense of the House, especially against the opinions of so many hon. Members on that (the Opposition) side. If the noble Lord (Earl Grosvenor) had not anticipated him he should have proposed twelve months’ occupation and six months’ residence, adopting the provisions of the Municipal Corporation Act—namely, a residence of six months within the borough or living within seven miles of it, which appeared to him to fulfil all the substantial idea of a householder. He thought it was hardly expedient to make the distinction established by the Government Bill between two classes of voters.

Amendment, by leave, *withdrawn.*

MR. M’CULLAGH TORRENS said, he rose to propose the introduction of words, which were intended to raise the question whether separate occupation for twelve months of a portion of a house of a certain value should confer the franchise. He did not think that any one could say that this was introducing a new principle. He hoped to be able to satisfy the House that the question had received the sanction implied by its having been embodied in previous efforts at legislation by different Governments, and to a certain extent by the principle having been recognised in Courts of Law. Finally, he thought he could show that there was already done partially that which he now proposed to sanction as a general proceeding. He claimed the support of the right hon. Gentleman the Chancellor of the Exchequer, because in the Reform Bill which he had introduced in 1859 there was a clause providing that every occupier of a

portion of a house, whether furnished or unfurnished, of the value of £20 a year should have the franchise. He (Mr. Torrens) ventured to think himself justified in now proposing a franchise for lodgings which would let unfurnished for the sum of £10 yearly. He did not ask the House to go lower in amount than the Chancellor of the Exchequer went when he proposed a £20 furnished franchise, as, on an average, furnished lodgings were worth about twice as much as lodgings not furnished. He also claimed the support of the right hon. Member for South Lancashire who in his Bill of last year adopted a lodger franchise, and, discarding the element of furniture, proposed to give the franchise to every separate occupier of a portion of a dwelling-house who paid £10 a year. Were these innovations on the spirit of the Act of 1832, or were they only intended consistently to enlarge its operations? He held in his hand a dictum of one of the most eminent Judges of common law, Sir William Erle. In a well-considered judgment, he said—

“The borough franchise is not dependent, as some have supposed, upon the occupation. The qualification is not the occupation, but the thing occupied. A man has a right to claim to be a borough voter though he has not the whole of a house, though he has not the key of the outer door, though he has not the separate right of entry into the house, and though rights of entry had been reserved by the landlord.”

He (Mr. Torrens) might be asked whether he proposed the lodger franchise as an extension of household suffrage, or as a distinct proposal to carry into effect the generous principle of an extension of the suffrage? He was not going to lay down any nice distinction. He asked the House to look at the necessities of the case. This Bill was a Bill for England. But if they left out one-seventh of the whole population of the country, which dwelt in London, and overlooked the condition of other large towns, such as Bath, Liverpool, and Brighton, where great numbers of the population lived all their lives in separate portions of houses, the Bill ought to be entitled one to amend the representation of the provinces, not of the kingdom at large. He asked Parliament, then, to adopt the principle of the lodger franchise and thus meet the exigency of circumstances. In the two cities of the metropolis and the five metropolitan boroughs by which they were surrounded there was a population of 2,657,000. On an average

every house contained two families. The inhabitants of London could not be all householders, because there were not houses sufficient for their separate occupation. He asked the House to meet this case, and to extend the franchise to a loyal, intelligent, and independent class of the community. Some of the best educated, well-to-do, orderly, industrious persons in the community were in London and other great towns habitual lodgers. In London there were now 233,000 male occupiers qualified to claim the franchise. Of these only 154,245 were on the register, or, deducting for duplicate entries and deaths, a considerably smaller number. In other words, only three-fifths of those qualified to claim the franchise were on the register. The Bill, as it then stood, would only further render eligible in the metropolis 27,000 persons, and if they applied the rule of the two-fifths to them, and deducted that proportion, it would be seen that only 16,800 persons would be rendered eligible by this Bill. But in reality that number would be further reduced; and if the Bill passed in its present form, the addition to the franchise would not be greater than 13,000. This would not be a realization of the generous policy which the Government had professed in bringing in the measure. Then the Bill would operate most unequally, and in some places in an inverse ratio to wealth and intelligence. The City of London was perhaps the richest city in the world, and it might be expected that of the number of electors to be added under the Bill there would be a considerable addition to the City of London. But would the Committee believe that the addition for the City would be only 133? In Marylebone the total additional number eligible would be 550. In Westminster, 1,100. In Finsbury, 1,700. In the Tower Hamlets, the poorest part of the metropolis, there would be an addition of 15,000. If, then, the House wished to redress a great inequality in the measure as it stood, let it do so by the adoption of the lodger franchise. He was not himself prepared to state, and did not believe that any one could state, the exact number of lodgers who would be enfranchised in the metropolitan constituencies by the Amendment he proposed. Whatever the numbers, however—whether 20,000 or 30,000—he would ask the Committee to look this uncertainty in the face, and do what they considered right and equitable notwithstanding. He would go at once to the “principle” of the case.

[Committee—Clause 3.]

Many hon. Members had said to him—“We do not object to the principle of the lodger franchise; but how is the admission to take place? How will you prove identity? How will you guard against fraud?” His answer to this was very simple. He denied that it was the duty of those who advocated lodger enfranchisement to provide against what was called fraud, when a large and respectable class of the community were to be benefited. It was not the duty of the House to provide remedies against what might never occur. Lodgers were as little likely to come forward and perjure themselves for the sake of the franchise as hon. Gentlemen around him. It was not the duty of that House to treat any class, otherwise worthy of the franchise, as if required to be watched and baffled, and upon the presumption that they would practise fraud to obtain the franchise. Difficulties regarding the nature of proof could be dealt with in the registration court. When a householder under the Act of 1832 found his name omitted from the list of voters he had to send in a claim, and substantiate his right before the revising barrister. Every one who had attended the registration courts was aware that the claimant or one of his family generally attended and proved the qualification. And the same course might be adopted with regard to the lodger franchise. The lodger might be required to produce his receipts for rent. Lodgers of the humbler class usually kept a book in which these payments were acknowledged by the landlord. If it were not convenient for the lodger himself to come before the revising barrister, he saw no reason why this book should not be produced by his son, brother, or neighbour; and the production of that book ought to be sufficient evidence that the man had paid his rent for the twelve months preceding. He would not incur the details of the Bill with any special provisions with regard to what ought to be sufficient evidence and proof in the case of the lodger claiming to be put upon the register. He thought it would be better to leave that to be settled first by the revising barrister, and then upon appeal by the Court of Common Pleas. If the Committee assented to the Amendment which he had now the honour to propose, he should be prepared to move the addition of words at the end of the clause, providing that the occupation of premises worth £10 a year should qualify a man living in un-

Mr. M'Cullagh Torrens

furnished lodgings to be placed on the register. He knew not what course the Government intended to take in regard to his proposal. If it were said that his Amendment ought not to be introduced into the portion of the Bill where he proposed to introduce it, he would answer that that clause was the gist of the Bill, and upon that clause, as a whole, the fate of the measure would certainly turn. They had no means, by the clause as it now stood, of enfranchising the honest and intelligent working men of London, and surely London had a fair right to be considered *in limine* in their legislation on that great subject. The Members for the metropolis thought they ought to obtain an assurance, before proceeding further with the details of the measure, that London would not be wholly excluded from its benefits. It could not be expected that the metropolis would be content to be shut out from the advantages which the measure was intended to confer on the rest of the country. That question was a vital one with the metropolis, and he therefore begged to move the first of the Amendments which stood in his name.

Motion made, and Question proposed, “In line 6 after ‘or’ to insert ‘has during the whole of the preceding twelve months been a lodger in.’” — (*Mr. M'Cullagh Torrens.*)

Mr. HARVEY LEWIS said, that without a lodger franchise the Bill could not be made satisfactory to the metropolis. The population of London comprised an enormous number of lodgers, not consisting of working men alone, but of persons of every class and social condition, including men of education and wealth. Among them were a vast body of respectable men, employed as commercial men and as clerks in Government and in public and private establishments. These persons paid considerable sums for the hire of apartments, and they were every way fitted to exercise the constitutional privilege of the franchise. In the borough which he represented (Marylebone) the houses were generally let at high rents, and parts of them were occupied by lodgers in a position of life which entitled them to the favourable consideration of the Government and the House. He could not believe it was the deliberate intention of the Government to refuse to do justice to the metropolis, which ought to have the same advantage extended to it as would have been conferred

by the Bill of the late Ministry. He was certain that if such a lodger franchise was conceded, it would, as far as the metropolis was concerned, be received with great satisfaction and gratitude, and would introduce a class of voters into the constituency second to none which that Bill would enfranchise.

Mr. LOCKE said, he wished to second the appeal made by the hon. Member (Mr. Torrens) to the Chancellor of the Exchequer that he should carry out the principle which he avowed on that subject in 1859. The question of the lodger franchise became every day more important. In the borough of Southwark there were numbers of most intelligent and respectable working men, many of them earning from £3 to £5 and even much higher wages per week; and these persons lived in lodgings. It would be extremely inconvenient for them to rent houses, nor did they wish to do so, though the rent would not be more. Were they on that account alone to be denied the elective franchise? The introduction of a lodger franchise into the Bill was a subject in which his constituents took a very deep interest, inasmuch as if that were not done very little would be effected for the metropolis, in which there were but very few houses under the value of £10. There were no greater difficulties in the way of identifying a lodger than now existed in the case of the £10 occupier. Having lived in a particular house for the period of twelve months he would be known in the same way to his neighbours and companions, and might have the justice of his claim to the franchise ascertained through the medium of the evidence which would be required by the revising barrister to prove the different facts constituting the qualification, without the necessity of having any rule laid down by Parliament for the purpose, in the same way as the qualification of a £10 occupier is now proved before the revising barrister. His identification would be as easy as the identification of the £10 occupier, and would offer no greater facilities for the concoction of fraudulent claims. The proposed limit of rent was almost equivalent to the £20 limit contained in the Bill of 1859, which applied both to furnished and unfurnished lodgings, whereas the present limit had respect only to unfurnished apartments. He agreed with his hon. and learned Friend (Mr. Torrens) in thinking that the establishment of the claimant's right to be placed on the register might be safely left

to the revising barrister and the Court of Common Pleas.

Mr. SMOLLETT said, he was not one of those Members who had been converted by the Reform League into an advocate of household suffrage pure and simple. Indeed, he disliked the Bill before the House very much—fully as much, he believed, as it appeared to be disliked by the right hon. Gentleman (Mr. Gladstone); nor had he any hope that it could be so amended in Committee as to be made a satisfactory measure. He thought it his duty to offer a few remarks on the proposal now under discussion to graft upon household suffrage a lodger franchise. The first time it was proposed to confer such a franchise was in the Bill of Lord Derby in 1859, and that proposal had never been discussed, for the Bill never went to a second reading. In the measure of last year again it was proposed that every adult male occupying lodgings for twelve months of the annual value of £10 should be entitled to a vote, and that proposal was, as he understood, identical with that which had just been submitted to the notice of the Committee by the hon. Member (Mr. Torrens), who contended that unless it were acceded to, the Bill would, so far as the metropolis was concerned, be a perfect nullity. The right hon. Member (Mr. Gladstone) last year treated the matter of lodgers as a mere trifle, and said that the proposal would enfranchise very few people indeed, that he did not offer it as a franchise to the working class or artisans; but that it was a franchise that might be taken advantage of by some respectable middle-class people. In all the other proposals the right hon. Gentleman calculated the number to be enfranchised by thousands and tens of thousands; but with respect to lodgers he did not compute the number, because it would be so infinitesimally small. He (Mr. Smollett) believed that statement to be perfectly correct. It seemed to be assumed that the people of the metropolis were claiming the franchise as an inestimable jewel which would elevate them and ennoble them. The very reverse was the fact. It had been stated that there were tens of thousands of men qualified to be registered in Shoreditch, Poplar, and the Tower Hamlets; but that they would not take the trouble of claiming to be rated. Why? Because they did not value the franchise a straw. There were now 32,000 voters in the Tower Hamlets, and if the £10 compound-householders would not take

the trouble of claiming to be put on the register, how could the lodgers be expected to do so? An attempt had been made to account for the tens of thousands of qualified householders in the Tower Hamlets not claiming by stating that they were well satisfied with their present Members, and did not think it worth while to be on the register. Another reason stated was, that there were no contests in the Tower Hamlets. The reason assigned by *The Telegraph*, *Star*, and the other organs of the League, was mere twaddle. The same disinclination to be placed on the register was manifested in many large towns. A remarkable instance of this was to be found in Scotland. He held in his hand a pamphlet on the *Extension of the Franchise*—an address by a sincere Reformer, Mr. J. Moncreiff, M.P. for the city of Edinburgh, the late Lord Advocate. In addressing his constituents on the 10th December, 1866, the right hon. and learned Gentleman stated some curious facts in connection with the supposed desire of the working classes to possess the franchise. He stated from the year 1832 up to 1856 it was necessary for every £10 householder in Scotland to appear before the revising barrister and claim the franchise, and that he had also to pay a small fee to the barrister's clerk. These fees were for the most part paid by the electioneering agent, as he (Mr. Smollett) knew to his cost. But what was the effect of Lord Grey's Reform Bill of 1832? The fact of the necessity of appearing before the revising barrister was to disfranchise or keep off the books one-third of the whole constituency. Scotchmen were supposed to be keen politicians. There had been many contests in the city of Edinburgh; but according to the statement of the right hon. and learned Gentleman, one-third of the £10 occupiers were kept off because they would not take the trouble of claiming the franchise. In the year 1856 the late Lord Advocate brought in a Bill called the Borough Registration Bill. Its effect was to place on the roll all qualified voters without the necessity of their appearing before the sheriff who acted as revising barrister, or paying the fee. Under that Bill between 2,000 and 3,000 persons—or a third of the constituency—were added to the list of electors for Edinburgh, and most of them belonged to what people called the working classes. In Edinburgh, as in other towns, there had been a great disinclination to claim the franchise, because

it was of no value to them, and they would not take the trouble of obtaining the franchise. He did not believe that the lodgers in London would take the trouble to fight any battle in order to be put on the roll of electors. It would appear that the householders did not care very much, and he believed the lodgers in London as in Scotland, who were mostly clerks and persons in Government and legal or commercial offices, would not care a straw about the franchise. In point of fact, there was no difficulty now for lodgers in borough towns in Scotland to put themselves on the register, because the sheriffs and the Law Courts in that country had held that the occupation of a single unfurnished room, the rent of which was £10 per annum, entitled the occupant to a vote. When he was in Glasgow in the Easter recess he made some inquiries with reference to the effect on the electoral rolls of registering lodgers, and the sheriff told him that it worked remarkably well, and had added something like 300 voters to the constituency. That number had been added in the course of years in a city of 400,000 inhabitants, where there must be thousands of lodgers, men who it was plain would not take the trouble of claiming, simply because in order to do so they would have to go before the revising barrister. It was therefore plain that in Glasgow they did not consider a vote worth a rush. Was it, then, worth while talking all this rubbish about the lodger franchise as a means of enfranchising thousands of artisans in the metropolis? He believed that if the vote were given to lodgers it would not add more than a few thousand voters to the whole borough constituency of England.

MR. McLAREN said, he thought that the statements of the hon. Member who had just sat down were founded in fiction rather than in fact. The circumstance that there was a lodger franchise in Scotland and not in England was owing not to any special enactment but to the different view taken by the Courts of Law in the two countries. In Scotland, it was held that any separate room was a dwelling-house within the meaning of the Reform Act. In England it was held that no place should be regarded as a dwelling-house of which the occupier had not the key of the outside door. The Scotch Courts had held that a man occupying a portion of a house of the value of £10, in an unfurnished state, came within the Act. For example, if a house worth £50 contained

Mr. Smollett

ten rooms, a man occupying two of those rooms was a £10 householder. But the law required a continued occupancy of twelve months. In Edinburgh, there were many young men living in lodgings, holding appointments which admitted of a month or six weeks' holidays yearly, and, with a view to economy, during their absence these young men gave up their apartments, and then came the difficulty in proving a continued twelve months' residence. That was one reason, if not the chief, why so few lodgers—probably not more than one in ten—found their way on to the roll. In Edinburgh, with a population of 168,000, there were 10,500 electors. The hon. Gentleman wished the House to believe that the majority of these were placed on the roll by a particular Act.

MR. SMOLLETT said, he made the assertion, not upon his own authority, but on that of the late Lord Advocate.

MR. M'LAREN said, that the late Lord Advocate must have been misunderstood, and he should never think otherwise till the passage from his speech was read.

MR. SMOLLETT said, he would read a passage from Mr. Moncreiff's address to the electors of Edinburgh—

"We (the late Government) passed, in 1856, a Bill for the purpose of enabling voters to get upon the roll without putting in a claim before the sheriff, and paying the sheriff-clerk 2s. 6d. of a fee, and that was the whole of the organic change which I effected. But the result was, I believe, to add one-third to the numbers of the effective voters in this country, and most of them belonged to the class which people are pleased to call the working class. I believe a great number of those who are upon the roll in this town found themselves upon the roll by the magic of that Burgh Registration Bill."

MR. M'LAREN said, he believed it would be found on reading further that the right hon. and learned Gentleman had spoken of himself as belonging to the working class. The Return he had moved for last Session showed that in Edinburgh, with a population of only 168,000, there were 8,250 houses paying house duty at the rent of £20 or upwards, a number proportionally larger than was to be found in any other great city except London. It would be difficult to convince him that any large proportion of the persons living in such houses belonged to the working classes. If the numbers of voters to be admitted to the franchise as lodgers would be comparatively small, that was an excellent reason why the Chancellor of the Exchequer should have no difficulty in acceding to the proposal. He believed there

was no class more intelligent than the young men employed in offices and commercial establishments, or better qualified to exercise the right of voting, and the only regret he had heard expressed was that the break in the continuity of their occupancy prevented large numbers of them from getting on the roll.

MR. GLADSTONE: I am glad to observe that we have nearly reached a point in the discussion at which we may have the satisfaction of hearing the right hon. Gentleman the Chancellor of the Exchequer say on the part of the Government that he is disposed to accept the moderate and judicious proposal of the hon. Member (Mr. Torrens). The hon. Member (Mr. Smollett) referred to a declaration of mine last year, with respect to which I will offer an observation. He is right in stating that at the time I proposed a lodger franchise I did not venture to estimate in figures the number of persons which the franchise would add to the constituency. Moreover, I did express an opinion that it would probably bring in a larger number of persons connected with the middle class than of the lower class. But I never spoke of the lodgers' principle as any but a matter of grave and serious importance. I consider the proposal of the hon. Member better than that which we proposed last year. The great flaw in our proposal was that we did not see our way to letting in the lodger by a single claim, and by a single registration come into permanent possession of the franchise—I mean permanent, like the householder, so long as he continues in occupation. Our proposal last year contemplated an annual claim. That was the great difficulty. The hon. Member gets rid of that difficulty, and it makes a very important difference with regard to the number of lodgers of the working class likely to come on the register. Although I do not think they are likely to come in overwhelming numbers, and although I think this is of grave importance to the middle class, yet I confess when I brought in the Bill of last year I was not in possession of the same amount of information with regard to the feeling of the working classes that I am now. I was not aware of the relative importance of the lodger franchise, nor of the immense anxiety of the working men in London to obtain it. There appear to be circumstances connected with the social condition of London which are not obvious at first sight to the casual observer, but which, when the matter is

inquired into, become perfectly intelligible. I was rather startled when the assertion was made to me by persons connected with the working classes, that—not as an absolute but—as a general rule the most highly educated and skilled and efficient of the working classes in London are lodgers. There has been in this House at times a disposition to draw a distinction between the class of householders and the class of lodgers, to the disadvantage of the latter. The opinion prevails among the class of working men that if a distinction is to be drawn at all, it should assert that the lodger, rather than the householder, represents the intelligent and highly-educated workman. When we consider the circumstance of the metropolis that is very capable of explanation. In London the choice that offers itself to the working man is not between being a lodger and a householder simply, but between being a lodger and a lodging-housekeeper. The number of the kind of houses that a working man can afford to occupy is extremely small. Most of them must take houses at a rent which they cannot afford to pay alone, and must lighten the burden by letting a portion of their houses to lodgers. The matter of taking in lodgers is not an accident, but rather in the nature of a trade or business. It is intelligible, therefore, that many of the best workmen are slow to incur themselves, even if they have the means, with the responsibilities and risks attaching to the trade or business of keeping lodgings. Permanence of residence also was not in this case a test of respectability, as it is absolutely necessary for the working man to be able to follow his work to whatever part of the metropolis it may call him. The principle of the Amendment has received, partly tacitly and partly by expression, almost universal assent. I am quite sure that the Government themselves must perceive that if their Bill were in other respects the best Bill possible, it would yet be most desirable to supply enlargements and developments in those particulars which are necessary to make it applicable to the metropolis. Nothing could be more preposterous in a Bill having reference to the condition of the working classes in this country and to their enfranchisement, than so to adjust the provisions of the Bill that they shall practically be almost null in their application to the metropolis. In the first place, it contains in itself almost one-third of the entire town constituencies of the country.

Mr. Gladstone

So far as regards the working classes, it may be said to contain a large portion of the very flower of the working men. The London working men are not so much the growth of the metropolis alone as a select body of individuals who have found themselves in different parts of the country, capable of getting forward in their occupation, and therefore have come up to London as to the best market for their labour, and offering them the greatest opportunities of advancement. My hon. Friend has exercised a sound judgment in proposing to introduce this subject of the lodger franchise into the 3rd clause of the Bill. The lodger franchise is for London—perhaps, in some degree for other towns also; at any rate in future times, but it is already for London a vital, perhaps a most vital, part of the occupation franchise. Therefore it is that I think he was most reasonable in seeking to obtain a decision of the House at this stage upon the lodger franchise. If Her Majesty's Government were in a position to say that they did not object to the substance of the proposal of my hon. Friend, who desires to assert the principle of the lodger franchise, and to establish a money standard of £10 value, if they were in a condition to express their approval of that principle and of that basis for the lodger franchise, it may be that my hon. Friend might be willing to take counsel with them with regard to the form in which it should be introduced into the Bill. It is a vital portion of the question of the occupation franchise. We should not be fully discharging our duty—that most critical and important part of our duty, which has reference to the metropolis—were we not to endeavour to obtain, either by a vote of the Committee, or without a vote of the Committee, by the willing concurrence of Her Majesty's Government, a clear declaration of their intentions with regard to the lodger franchise. I do not think my hon. Friend ought to concur in any proposal for raising the standard of £10 which he has laid down. He has proposed that amount in a spirit of conciliation with a desire to avoid raising unnecessary difficulties. It must be remembered that this £10 is not to be paid on rating. It is £10 of clear yearly value, free of all tenant's rates and taxes, which must be taken into view, in order to make up the sum that a man must be prepared to pay in order to qualify for the lodger franchise. When one takes into view the profit to the

lodging-house keeper, the addition to be made on account of rates and taxes, and the value of furniture, I apprehend that few men would possess the lodger franchise whose furnished rooms did not cost them something like from £16 to £18 a year. If that is so I think it is plain that the £10 value is quite as high as my hon. Friend ought to make himself responsible for proposing, or as would be calculated to give satisfaction to the just claims of this class. I hope the right hon. Gentleman the Chancellor of the Exchequer will be disposed to welcome, and even to hail the proposal of my hon. Friend as having been conceived in a spirit of earnest anxiety to narrow any possibly remaining differences of opinion upon the subject, and I am somewhat sanguine in the expectation that he will be able to assure us of his concurrence in the principle. If that agreement be clearly expressed I feel confident that there will be no unwilling disposition on the part of the hon. Gentleman, or on the part of this side of the House generally, to meet the right hon. Gentleman in the consideration of this question.

MR. BRADY said, he looked upon the proposal as thoroughly Conservative. It would not alter the political character of the representatives returned for the larger towns and the metropolitan boroughs. They would still return advanced Liberal Members. But a change would necessarily take place in the smaller constituencies. In such small boroughs as Cambridge and Oxford a large middle-class Conservative element would be added to the register by the lodger franchise. He could, therefore, understand that the Chancellor of the Exchequer would not object for a moment to the proposal. If the House came to a division, which he hoped it would not do, he should support the Motion.

SIR MORTON PETO said, he could bear testimony to the necessity for the lodger franchise. He wished to call the attention of the Government to an important fact. There had been a great increase in the value of land in London and all large towns during the last few years. That increase had necessitated an alteration in the character of the buildings, in London particularly. Houses were now constructed in flats or lodgings. It must be the anxious desire of the Government to embrace in this Bill every opportunity of giving the franchise to a really respectable class of the inhabitants of large cities. There was

another point in which an amendment of the law might be made with regard to the date at which rates were paid. In his connection with the North of London he had found that numbers of the more respectable portions of the inhabitants of the large boroughs were disqualified from the fact of their not having been called upon by the tax collector. In the district of Gray's Inn, out of 156 houses in one street not more than one had a vote from this cause. In Holborn, from the Inns of Court Hotel, to St. Andrew's Church, he found that there were only eleven possessing votes. On making inquiries of the tax collectors as to the cause of this he found that they did not trouble themselves to call on those persons who were sure to pay their rates. All the poorer classes in the smaller streets were universally enfranchised from the fact that the tax collector took especial care to collect the rates, while those that he was sure of he refrained from applying for until the last moment. It was unnecessary to put any Amendment on the Paper. He left the matter to be dealt with by the Government.

MR. ALDERMAN LUSK said, the metropolitan constituencies were seriously concerned in this question. The metropolis was an exceptional portion of the country, containing half as many people as the whole of Ireland, and as many people as the whole of Scotland. Houses in London necessarily became difficult to get, and dear. An immense number of people were obliged to go into lodgings, including first-class artisans, clerks, and even professional men. These were the men who would make exceedingly good electors. A large proportion of them were Conservatives, so that Her Majesty's Government need have no fear in admitting them to the franchise. Sometimes as many as twenty of these lodged in one house, and they would make better electors, and had far more knowledge and intelligence, than the real occupier of the house—the lodging-house keeper. It was said the lodger class were so indifferent to the franchise that they would not give themselves the trouble of making a claim in order to acquire it. But let the House give them the opportunity of being placed on the roll. If they did not choose to possess themselves of it that was their own concern. He hoped the Chancellor of the Exchequer would fairly look at this subject, because he felt convinced if he did so, whatever might be its difficulties, he would know how to overcome them.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have been somewhat surprised by the variety of inconsistent arguments which have been brought forward on this subject. An hon. Member (Sir Morton Peto) enlarged on the hardship of persons, very respectable no doubt, who live in flats, not being enfranchised and having the privilege of voting. I am under a misapprehension if, under the present law, every person who occupies a flat, with a separate outer door, has not a vote. My hon. Friend (Mr. Smollett) has addressed us in a speech characterized by that rich humour which is hereditary. He descended into the region of facts. But he has a right also to range in the region of fiction, and what he addresses to us appears always tinged by that rich and fertile humour peculiar to his ancestry. I can understand the argument and illustration of my hon. Friend. It may be this:—That the Government have brought forward a revolutionary measure—revolutionary from the large enfranchisement of the people proposed. But, in his opinion, it will not increase the constituencies. Under these circumstances, I think we shall not, whatever may be our decision, apprehend any great difficulty from my hon. Friend, who indeed, on all occasions, though he speaks sometimes against us, gives us in the moment of exigency a devoted and generous support. I cannot, however, exactly understand the argument offered by the worthy Alderman (Mr. Alderman Lusk). He tells us that the great argument in favour of the lodger franchise is the want of houses in London, and the impossibility of qualifying in consequence of the scarcity of habitations. But in one distinguished by his knowledge of political economy, and in an assembly well acquainted with the principles of that science, I should have thought that the relation of demand and supply would have disposed of that argument. I cannot believe if there was such a demand for houses as he describes they would not be forthcoming. I should imagine there must be some deeper cause for claimants for the franchise arising among a class of people who do not choose to live in houses, but at the same time possess those claims which give weight to their appeal to the House for enfranchisement. I have long been of opinion, and those who act with me have been of the opinion, that the claim of lodgers to the franchise is a sound claim founded on reason. That it is a good claim, from a class of society who have developed

Mr. Alderman Lusk

themselves from the progress of civilization around us. But the franchise is at present mainly confined to those occupying buildings for residence or business. Therefore the class of lodgers, if we followed the general rules that regulate us in deciding who should exercise the franchise, would be deprived of a privilege which they might legitimately possess, and use to the advantage of their country. Therefore I have no prejudice on the subject of the lodger franchise; but I wish to consider it in a mode and spirit very different from that which I heard from some hon. Gentlemen, and from the worthy Alderman who has addressed us. They have endeavoured to show me in the most elaborate manner, that the lodgers admitted to the suffrage would be of Conservative opinions, and that I need not be afraid of enfranchising them. I suppose this is a tradition of the Reform Bill of 1832, when everything was considered with reference to party; but I have a most profound contempt for all these considerations. If we are to consider the interests of party I am perfectly convinced that however wise we may think ourselves in these conclusions we shall find the experience of a few years will baffle all the conclusions we may make. I shall confine myself, then, to the consideration whether we are extending the franchise to a body of men who will exercise it with a due sense of duty and for the honour of the country to which they belong. I believe a lodger franchise, if established on sound principles, is a very good franchise, and I at one time thought it would be a very important element in aid of the Constitutional system. But I was much depressed last year by the character of the lodger franchise given by the right hon. Gentleman (Mr. Gladstone). His opinion, to which I have always attached great importance, depressed me; but I am happy to find that he speaks of the lodger franchise now as something which meets with his fullest approbation. With respect to the proposal immediately before us I cannot say that I entirely approve the manner in which the hon. Gentleman has introduced it to our notice. I wish the hon. Gentleman to consider, that so far as the Government are concerned they have no objection to the principle of a lodger franchise. They are perfectly willing to admit it. But the hon. Gentleman introduces it to our notice in a most inconvenient manner, and in a manner I cannot assent to. On a clause which, if anything, is a rating clause,

he has foisted this provision which does not blend at all with the language of the clause or its provisions, and which, if introduced, would call on the House to agree to absolute contradictions in language. The provisions of the clause with reference to rating and the payment of rates, are not to be required in the case of the lodger franchise. We could not touch in any way this 3rd clause without reviving contests we had hoped were settled. We are not opposed—on the contrary, we are friendly to the principle of a lodger franchise, and if the hon. Gentleman will bring it forward in a definite and distinct shape, and in a convenient manner, without pledging ourselves, of course, to matters of detail, which are not before the House at the present moment, it shall receive a candid and friendly consideration, with an anxious desire to adopt the proposal. I hope he does not wish to precipitate a decision. I see no difficulty which can arise after having agreed to the principle of a lodger franchise. If he will bring forward his proposal in a distinct manner, I have no doubt we shall be able to put it in a part of the Bill where it may be legitimately engrafted. With a view to this I shall be happy to communicate with the hon. Gentleman in private; and shall be very glad, indeed, if the lodger franchise be added to the Bill, which on the whole satisfies both sides of the House.

MR. AYRTON said, that he thought his hon. Friend was perfectly justified in placing his Amendments upon the Paper in the first instance. But he could not deny that his proposal had been met in an extremely reasonable manner by the Chancellor of the Exchequer. Still, the assent given to the principle of the lodger franchise was scarcely sufficient. The right hon. Gentleman ought to explain more fully in order that it might be seen whether what was meant in the one case—a lodger franchise based upon a £10 occupation for twelve months—was what was meant in the other. No doubt, if that were the case, his hon. Friend would willingly leave the responsibility of amending the clause to the Government.

MR. MARSH said, he had never been a sincere Reformer, but he believed that lodgers generally formed a very respectable class of persons, and he would extend to them the franchise if he could discover any practical mode of attaining that object. He did not see how the thing was to be done. There could be no self-registration.

Every man would make a special claim, on the precise merits of which it would often be impossible to decide. Every claim would be sifted; every case argued before the revising barrister as to occupation, value, and time. In fact, the matter would be left pretty much in the hands of electioneering agents. According to this proposal a man who took a bed-room at the Hen and Chickens in Birmingham would have a vote; and if he (Mr. Marsh) could vote there probably he would not vote for the hon. Member (Mr. Bright). Any proposal of that description would be found on examination to be involved in inextricable difficulty.

THE CHANCELLOR OF THE EXCHEQUER said, that it was not fair to the Government or to the Committee to give such a pledge as had been demanded by the hon. Member (Mr. Ayrton), inasmuch as the proposal for a £10 lodger franchise was not before the Committee. It would be quite improper, indeed preposterous, for him to fix the amount under the present circumstances. It would be well if the hon. Gentleman would adopt the course which he had recommended, and would not seek to introduce clauses in a part of the Bill to which they did not belong. All he could at that moment state was that the Government were desirous of giving the question in due time their best consideration for the purpose of establishing a lodger franchise. But they had not then to determine whether or not a £10 occupancy should form the basis of that franchise, and it would be presumptuous upon his part to come at once to any arrangement upon that matter.

MR. GLADSTONE said, he thought it desirable that there should be no misunderstanding. The right hon. Gentleman the Chancellor of the Exchequer had at the second reading of the Bill expressed himself in favour of a lodger franchise, and he did not think that his hon. Friend (Mr. Torrens), after the general approval which a proposal for that object had met with, ought to withdraw his Amendment, simply to find himself in the same position as at the second reading. No doubt, to a certain extent the question of adopting £10 as a basis was a matter of detail; but, at all events, he thought the House ought to be assured that the lodger franchise, of which the right hon. Gentleman opposite approved, was one calculated not to admit the middle to the exclusion of the lower class, but of such a character as to freely

admit the artizan class. Such a matter as that was not one of detail, and if the right hon. Gentleman expressed his assent to that proposition clearly, no doubt his hon. Friend would consent to withdraw his Amendment.

THE CHANCELLOR OF THE EXCHEQUER: The language of the right hon. Gentleman becomes his ardent genius, but not the Committee. What words will define what shall admit the "artizan class" as against the "middle?" It is too vague a description. I am not particularly anxious to admit the middle class in preference to the artizan class. I gave up the lodger franchise last year in consequence of the dreary description given of the lodger franchise by the right hon. Gentleman. His assertion that it would admit only a small number, and those only of the middle class, struck upon my spirit. We accept the proposition of the hon. Member that there should be a lodger franchise, but before the Committee we have not a £10 proposition, except in conversation.

MR. AYRTON said, he must remind the right hon. Gentleman that the proposal for a £10 lodger franchise, to which the one now under discussion was only introductory, was to be found a little lower down on the Notice Paper. It was well known that furnished lodgings were on the average worth twice as much to the landlord as those which were unfurnished. It was most probably on that principle that the right hon. Gentleman in his Bill of 1859 had fixed the lodger franchise at £20, double the £10 standard of the Reform Bill. He did not see why the Government should not then undertake to accept what would substantially amount to such a settlement of the question.

THE CHANCELLOR OF THE EXCHEQUER: Let us proceed regularly according to the strict rules of Committee. Since this proposition has been before us several Gentlemen have left the House, not unfavourable to a lodger franchise, but they take different views as to the amount from those of the hon. Member (Mr. Torrens). They left the House on the representation that the Government was favourable to a lodger franchise, but considering that it was open to them to express their opinions on the subject when the other Amendment of the hon. Gentleman was brought forward. One Gentleman said £10 would be dangerous, another said he thought if it were £12 the country would be safe—and another thought that £14 would be a just

proposal. After the promise I have made that Gentlemen should not be called upon to decide upon the figure of the lodger franchise at this time, I cannot agree to what is required. At the same time I may suggest that, as there are two Amendments of my own upon the Paper, at some little distance from the one now under consideration, a settlement might at once be arrived at by hon. Gentlemen opposite giving their assent to my proposals in all candour and fairness.

MR. OSBORNE said, after the express promise of the Chancellor of the Exchequer he hoped his hon. Friend would not press his Amendment. At the same time, he trusted that his hon. Friend would either bring up a substantive clause or induce the right hon. Gentleman to do so. The principle was admitted. The only question was as to the figure, which could be discussed hereafter in detail.

MR. SMOLLETT said, that in the present Session the right hon. Gentleman (Mr. Gladstone) advocated a lodger franchise on the ground that it would enfranchise large numbers of the working classes, but what did the right hon. Gentleman state on the subject last year? These were his words as recorded in *Hansard*—

"Now, I can give no information, and I believe the right hon. Gentleman was unable to give any in 1859, as to the number of persons who would, perhaps, be enfranchised under the title of lodgers; but this I may say, that, in the first place, my firm belief is that it will be a small one; and, in the second place, my firm belief likewise is this, what I now speak of is a middle-class rather than a lower-class enfranchisement. The operation of claiming, and of claiming, too, year by year, is one that must be very burdensome to working men; whereas young men, such as clerks and men of business, familiar with the use of pen and ink, if educated and intelligent persons, and desirous of obtaining the franchise, will estimate the trouble far more lightly. We calculate, therefore, on a certain amount of middle-class enfranchisement by the provision I have described; but I should be misleading the House were I to pretend to entertain the opinion that any large number of the working class, or any very large number even of the middle class, will come upon the register by virtue of that which we term a lodger franchise. A great number of persons now inhabit tenements, being almost all of them working men, and all of them theoretically entitled, out of whom scarcely any find their way to the register; and this is, in my opinion, a demonstration that no very large or considerable additions to the constituency are to be expected from this source. Consequently, I do not venture to add any figures under this head, but I take the 60,000 persons whom I have already named as the amount of additional enfranchisement granted by provisions of the Bill which I have the honour of asking leave to introduce."—[3 *Hansard*, clxxxii. 47.]

Mr. Gladstone

The right hon. Gentleman now came forward and asked the House to agree to some lodger franchise, on the ground that it would give votes to a large number of the lower classes—the working classes. Why had the right hon. Gentleman changed his tune since last year? The circumstance that he had done so was a remarkable one. A deputation from the Reform League had gone to No. 11, Carlton House Terrace, and the right hon. Gentleman now announced to the House that the lodger franchise, which, last year, he stated would only enfranchise a small number of the middle classes, would place on the electoral roll a vast number of our own flesh and blood.

MR. McCULLAGH TORRENS: I appeal to those who heard the statement of the Chancellor of the Exchequer whether it is possible clearly to infer from it what we are to expect if I withdraw my Amendment, and leave to the chapter of chances the bringing up a clause at the end of the Bill. I must either bring up an addendum at the end of this clause, or wait until we come to the end of the Bill to bring up a separate clause. If I bring up an addendum to this clause, the objection of the Chancellor of the Exchequer will be repeated, because he says it is inconsistent with the general scope of the 3rd clause. If he will look to the second Amendment, he will see that pains have been taken to distinguish between the two classes that would be enfranchised under this Amendment. Therefore there can be no confusion. Suppose this Amendment withdrawn, and that we have discussed the other proposals in the Bill; what assurance can he give us that at the end of the month of June we shall not be exactly where we are now? Looking to the amount of rateable property in the metropolis, to its population, and to the number of persons representing it in this House, is it fair that we should not know our position until this Bill is disposed of in other particulars? Cannot he tell us what we have to expect? Why should there be an adjournment of this question *sine die*?

MR. POWELL said, he would make a few observations in order to appeal to his hon. Friend to withdraw his Amendment. His hon. Friend would do well to consider, as a practical Member of the House of Commons, whether he would advance the cause which he had at heart—and in the advocacy of which he (Mr. Powell) was a Colleague—by pressing his Amendment. It ap-

peared to him that that Amendment contained a mere abstract principle, and that it was in effect but another of that series of Resolutions which the House had already rejected in an emphatic manner as an undesirable mode of procedure in striving to effect a settlement of the Reform question. He asked his hon. Friend to consider how the matter stood. The words he proposed to insert in the Bill contained a proposition which was very complex. The opinion of the House might be tested in respect to the lodger franchise when the full clause came on for discussion. Should that clause embody a safe lodger franchise the House would agree to enact it, in which case the words of the hon. Member's Amendment would be unnecessary. The words entirely hung by the lodger clause. If the clause were accepted by the House the words now proposed would be unnecessary. If the clause were rejected the Amendment also must be rejected at a subsequent stage, when the measure, as amended, came under the consideration of the House to be considered as reported. He had no wish to enter into the merits of the question. He was in favour of the principle. It was said that Cambridge would be affected by such a measure. He did not care to inquire whether the Conservative or Liberal interest would be promoted by the adoption of a lodger franchise. If they invited to exercise that franchise sound, safe, honest, and true men, who were competent to exercise it, he cared not to which party they belonged. He looked for good results from the future constituency. He was certain that the introduction to the franchise of men such as he had described would strengthen the constituencies, and give greater vigour to the representative institutions of England.

SIR ROBERT COLLIER said, he did not concur with the right hon. Gentleman the Chancellor of the Exchequer that there would be any difficulty in point of form in inserting the words of the Amendment. He (Sir Robert Collier) thought it would be a great improvement and advantage if they were added to the clause. It would then contain the whole borough franchise. This would be very convenient. The words of the second Amendment might be appended at the end of the section of the clause.

THE ATTORNEY GENERAL said, he believed that the hon. Member (Mr. Torrens)

[Committee—Clause 3.]

did not intend to express any distrust of the Government, although the opinions he entertained naturally led him to ask the Government what they proposed to do with respect to this matter before going into the details of the Bill. He (the Attorney General) agreed that it would be convenient to embody the lodger franchise in the same clause as the borough franchise. The object might be gained by introducing the second Amendment of the hon. Member in the form of a fifth sub-section to Clause 3. The franchise for lodgers stood upon an entirely different footing to that of the householder, and recognising the advantage of dealing with the whole borough franchise in one clause, he thought this question would best be dealt with by a sub-section.

MR. BRIGHT: I think the learned Attorney General has simplified the question a good deal, and that there can be no difficulty in inserting the provision with reference to the lodger franchise after the fourth sub-section of the 3rd clause. Still I am sorry that the Chancellor of the Exchequer has not been able to be a little more explicit on this point. On the whole question he has been very doubtful, even before this Bill was introduced. He was in favour of it many years ago. When this Bill was introduced it did not contain it. Afterwards he said that he did not omit it because he did not like it—that, in fact, he was the father of it. Afterwards, again, when he was told that he had conceded it, he sprang to his feet and said he had not conceded it. To-night he does not object to it, but he doubts whether it is important. In fact, he seems to know no more about it than did the right hon. Gentleman (Mr. Gladstone) last year. The right hon. Gentleman the Chancellor of the Exchequer leaves the hon. Member and the House in doubt as to what he is going to do. Yet it seems a pity to spend another evening in the discussion. The lodger franchise must be somewhere about £10. Something as high as £12 or as low as £8 may be proposed. But every one of us is perfectly conscious that £10 is a very fair arrangement. That sum has already been proposed to the House. It is generally accepted out of doors, and it is the sum which persons in favour of lodger franchise generally expect will be put in the Bill. I suspect that the Chancellor of the Exchequer has rather an unworthy conceit in this matter. He does not like to take anything in the Bill of

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last year before, or to appear to follow in the footsteps of the right hon. Gentleman (Mr. Gladstone). That is not a very worthy feeling if he entertains it. Perhaps, if he does, he is scarcely conscious of it. There is scarcely a Gentleman opposite who has a word to say against a lodger franchise, and the Chancellor of the Exchequer is surely not about to tell us that he has to go back to the Cabinet—to consult the President of the Poor Law Board on the subject. That is rather too much. I would hardly believe it if any one else said it, and I would have great doubts on the matter if it were hinted at by the right hon. Gentleman. Why does not the right hon. Gentleman say that he accepts the principle of the lodger franchise, and that he has little doubt that £10 will be the figure adopted? I think that I am speaking the sense of the House when I say that the matter ought to be decided to-night, and that we ought not to be compelled to renew the debate some other evening.

MR. SCHREIBER said, that the right hon. Gentleman the Chancellor of the Exchequer had confessed that he was the father of the lodger franchise, and he thought that the right hon. Gentleman was bound in duty to see that his lively offspring did not make him the grandfather of manhood suffrage. The right hon. Gentleman was perfectly entitled to say to the hon. Member (Mr. Bright) that he should more perfectly appreciate the responsibilities of his paternal position.

MR. BRADY said, he hoped the Government would settle the question now. It was a reflection upon the wisdom of the Committee that they should have taken four or five hours in discussing whether the amount of the lodger franchise should be £10 or £12.

THE CHANCELLOR OF THE EXCHEQUER said, that the suggestion of the Attorney General had been made by himself about two hours ago. The Committee was not now in a position to decide on the amount of the franchise. On the part of the Government he had said that they accepted the principle of a lodger franchise. He had not said, as the hon. Member (Mr. Bright) had suggested with the rich humour with which he sometimes varied his invective, that he should have to consult anybody about the amount at which it should be fixed. What he had said was that a great many Members had left the House on the assurance that they would not be called upon to decide that question

to-night. The hon. Gentleman had obtained an admission of his principle frankly and fairly from the Government. A position had also been offered to him; and he could have it decided at the next meeting of the Committee. Who could expect, under the ordinary circumstances of Parliamentary life, to find himself in a more fortunate position than the hon. Gentleman? The Committee could not now formally decide upon the matter. They could only express their opinion upon it, after having allowed a considerable number of Gentlemen to leave the Committee on an assurance that the amount of the lodger franchise would not be determined to-night.

SIR GEORGE GREY said, he would remind the hon. Member that the Government had given him a pledge as to the principle of his proposal, and that he would have a future opportunity of testing the opinion of the Committee as to the amount to be filled in.

MR. McCULLAGH TORRENS said, that after what had fallen from the Attorney General and the Chancellor of the Exchequer he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER moved to insert in page 2, line 8, after the word "rated," the words "as an ordinary occupier."

SIR ROUNDELL PALMER said, he had understood that the Government did not intend to proceed with any of their Amendments on the clause that evening. The words "ordinary occupier" could not be agreed to without a great deal of discussion, and unless all the Amendments were taken together they could not know what they meant.

MR. CANDLISH said, that he also understood that it was the intention of the Government to report Progress after the discussion on the Amendment had concluded. If that was not the intention, he had an Amendment on the Paper which he should wish to propose before the right hon. Gentleman moved his Amendment. He moved at page 2, line 6, after "dwelling-house," to insert "or part of a dwelling-house." He hoped this Amendment would receive a fair and candid consideration at the hands of the right hon. Gentleman, as it was called for by the social-economic arrangements of the borough which he represented, and by many other boroughs in the North of England, where many

houses were built for the use of two tenants, one tenant occupying the under storey, and the other the upper storey. These houses had a common street door, the key of which the tenants used in common; and, if he was rightly advised, these persons would not be householders within the meaning of the words of the 3rd clause. According to the present state of the law, the persons who rented these dwellings were neither occupiers nor lodgers; and, although qualified in every other respect, would not be enfranchised by this Bill, although they belonged to the very class that Government intended to enfranchise. They paid higher rents for these parts of houses than were paid by the lowest class of householders in the same towns. It had been decided by Lord Chief Justice Erle in "*Cooke v. Humber*," five years ago, that part of a house was not a house in law, because there was no actual severance of the two occupations, and that, while a staircase without a street door, or with one left open, was regarded as a street, one that was closed by a locked door, of which each tenant had a key, did not constitute the same severance. In Sunderland there was a larger proportion of these tenancies between £10 and £7. There were also many below £7, although the proportion of these divided tenancies below that figure was not so great as above it. No question of principle was involved, and there was no executive difficulty in enfranchising occupiers of parts of houses. Much had been said about the importance of the lodger franchise in London; and what he now proposed was really a lodger franchise in another form for many boroughs. These persons were only disqualified by the technical definition of the word "house," and he was sure the right hon. Gentleman did not wish to introduce such a disqualification. All the securities for good citizenship contained in this clause were complied with by these occupants of parts of houses; they must have been rated for twelve months and have paid the rates.

THE ATTORNEY GENERAL said, he did not think the hon. Gentleman had made out a case for his Amendment. If he understood the hon. Gentleman rightly, he maintained that these persons, though they had separate rates, yet because they did not live in separate houses, were not entitled to a vote. If the decisions of the Courts had settled that the occupancy of part of a house not severed from the rest

[Committee—Clause 3.]

was not an occupancy which gave a title to a vote, he apprehended that such an occupier would still be a lodger. He would surely be included in one of the three classes, lodger, joint occupier, or householder. If he were entitled to vote in one of these categories the Amendment would not be needed.

MR. COWEN said, he thought the hon. and learned Gentleman had not apprehended the point of his hon. Friend (Mr. Candlish's) illustration. The houses in his part of the country were in many cases so constructed as to accommodate two tenants, of which the one occupied the upper and the other the lower part of the tenement. But they paid separate rents and separate rates. They were not at all in the position of lodgers, and yet while the one had a vote the other had not.

MR. GOLDNEY said, the hon. Member (Mr. Candlish) had argued a general principle for the purpose of a local object. His Amendment would apply to the merest hovel as well as to the class of houses he referred to, and would admit a very undesirable class of voters. It might be that in some parts of the country two tenants might in that sense be joint occupants of one house. But there were other parts where single rooms were let out to lodgers. Under this Amendment they would be admitted to the franchise. The proper way to remedy the evil complained of would be to introduce a new clause. To adopt the Amendment of the hon. Gentleman would be fatal to the main objects of the Bill.

SIR ROUNDELL PALMER said, he thought there was a good deal of force in the objection of the hon. Gentleman (Mr. Goldney), but the case put by the hon. Member (Mr. Candlish) required to be provided for. He would suggest to the Government that the best way to provide for this class of cases was to introduce an interpretation into the Bill of the word "dwelling-house," which should meet that class of cases. There were similar cases near that House. In Victoria Street, for instance, the houses were divided into flats, having a common outer door, and yet, according to the decision quoted, each would be held to be only one house. These people were not lodgers certainly, but were frequently freeholders of particular flats, or, at all events, leaseholders. The chambers in the Inns of Court having a common staircase only differed from these flats by not having a common outer door. Yet the occupants had votes. The objection

The Attorney General

ought to be removed. He would suggest the interpretation clause as the best mode of remedying the evil.

MR. DENMAN said, the hon. Member (Mr. Candlish) had correctly stated the law. As to Victoria Street the inhabitants of the flats were in much the same position for they had no votes, though the occupants of chambers in the Inns of Court were admitted to the franchise.

THE ATTORNEY GENERAL said, his impression was that the inhabitants of Victoria Street had votes. If there was anywhere a class of houses with two occupants, both of whom paid the rates while only one or neither enjoyed the vote, undoubtedly that was a case to be provided for. But he could not admit that the remedy was to be found in this Amendment, which admitted the owner of every part of a house to a vote. He would be happy to see the hon. Member (Mr. Candlish) and discuss with him the best way to provide a remedy for the evil.

MR. CANDLISH said, on this assurance he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER moved the Amendment he had before proposed, to insert the words "as an ordinary occupier." He said that as this raised the question which had so often been discussed, he did not propose to go farther that night, and having proposed it, he would move that the Chairman report Progress.

House resumed.

Committee report Progress; to sit again upon *Thursday*.

CORRUPT PRACTICES AT ELECTIONS BILL—[BILL 119.]—COMMITTEE.

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Mr. Hunt.*)

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR ROBERT COLLIER said, that the Bill involved a most important principle, and it would have been more satisfactory had some explanation been given on the subject. The main provision of the measure was that inquiries into corrupt prac-

tices at elections should be conducted upon the spot. That was a provision which he was entirely in favour of. It would make the inquiries more efficient and would tend to diminish expense. But that provision was coupled with others which would go far to neutralize it. If they were to have a local tribunal, the decision of that tribunal ought to be final. But, instead of that, any Member of the House might call attention to the Report of the Committee, ask the House to refer that Report to another Committee, and bring the whole of the evidence under review. The effect of such a course would be that almost every election petition would become the subject of discussion in that House. The decision of the Committee would be complained of, and they would revert very much to the state of things which existed before the passing of Grenville's Act. They would have a second inquiry entirely upon written evidence, and a tribunal which had only written evidence before it, perhaps reversing the decision of one which had acted upon *vivâ voce* evidence. Every one understood the advantage which evidence given *vivâ voce* had over merely written evidence. It might be said, however, that in the second inquiry the evidence might be also *vivâ voce*. Such a proceeding would be attended with very bad results, as protracted litigation would be encouraged, and the man with the long purse would have an undue advantage. The Bill contained other provisions of an objectionable nature, but upon these he would not dwell at present. He moved that the Bill be referred to a Select Committee.

SIR RAINALD KNIGHTLEY seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"

—(Sir Robert Collier,)

—instead thereof.

SIR FRANCIS GOLDSMID said, he regretted to find that the Bill contained no provision for giving the seat to a petitioning candidate who had carried on the contest on purity principles. He regarded this as the only way of repressing bribery. He hoped that if the measure went to a Select Committee a clause to that effect, which the right hon. Gentleman the Chancellor of the Exchequer originally intended to propose, would be inserted. He

had made the same proposal in 1860, and again in 1863. At present a candidate who petitioned was further off his object than ever, for if a fresh election took place the corrupt electors would naturally vote against him, even without being bribed.

MR. SANDFORD said, he should support the Motion for sending the Bill to a Select Committee. He hoped that the House would never agree to the principle of placing the power to determine the legality of elections in the hands of barristers of seven years' standing. It was true that it was proposed that there should be a sort of appeal to the House, but that would be available only in the case of rich candidates. Both sides of the House were sincere in the wish to put down bribery. But to do this he would suggest a course entirely different to that named in the Bill. Election petitions should continue to be tried by the House, and whenever bribery was proved, even although agency was not proved, a Commission should be sent down to the borough, at the expense of the borough. The consequence of this would be that the candidate who had been guilty of the bribery would never be able again to show his face in the borough, and if the inhabitants could only be convinced that it was against their interest that there should be bribery, no candidate likely to cause bribery would be brought forward.

SIR GEORGE GREY said, he agreed in the proposal to send the Bill to a Select Committee. He was surprised that no explanation of the principles of the measure had been afforded by the Government. Unless the Bill were changed in almost every particular, it would not accomplish its object. The radical defect was that it combined two things that should be totally separate and distinct, and which were almost incompatible. These were — an inquiry as a matter of litigation between two candidates as to the right to the seat or the validity of a return, and a general inquiry into corruption at an election. The efficiency of the general inquiry would, under the provisions of the Bill, be sacrificed to the special inquiry. The Bill repealed an Act that had been most effectual in the suppression of bribery, the 15 & 16 Vict. c. 57. Under this Act a Commission could only issue on a Report of an Election Committee that there was reason to believe that extensive bribery had prevailed, and no petition alleging bribery was hereafter to be tried by an Election Committee. The principle of

the Bill was that the whole inquiry, general as well as personal, was to depend upon the petition presented against the return. Many petitioners would not expose their borough to disfranchisement if they could frame the petition so as to exclude an inquiry which might lead to such a result. Again, the petitioners were to be empowered at any stage to withdraw the petition upon payment of costs, and the whole proceedings would thereupon fall to the ground. He believed that the Bill would deprive the House of the means which they at present possessed of detecting and exposing bribery. The apparent intention of the Bill was that there should be a local inquiry, conducted upon the spot; but it was not even provided that the inquiry should take place within the borough or the county in which the election had taken place, and the place of meeting was left entirely in the discretion of the returning officer. If there were to be such power, it should be vested in some more important person than the returning officer. The Bill proposed to transfer the jurisdiction now exercised by Committees of the House in matters of controverted election to three barristers of seven years' standing, to be selected by the Speaker. That, he thought, a most objectionable proposal. If the jurisdiction exercised in these cases by Committees of the House was to be transferred to some other authority, let it be transferred to the Judges of the land, whose decisions would carry such authority with them that they could be accepted as final. With regard to the duties to be placed upon the Speaker, he thought that a very unfair and invidious task would be imposed on him. He was to be intrusted not only with the sole power of nominating the persons to try election petitions, but also of selecting the persons who were to try each petition, and that without any of the checks imposed by the present law. He could also enlarge the time for doing any act under the Bill, and for this purpose he would have to sit as a court, not only during the Session of Parliament, but during the recess. The most important principle, however, was the transfer of the jurisdiction of the House to another tribunal. Without giving any opinion upon the question whether this transfer should take place, the mode proposed was the most objectionable way in which it could be done. It was also very objectionable that it should be open to any Member to raise the whole question again

before the House by way of appeal. If the Bill were referred to a Select Committee he thought that the Government should desire the gentlemen who drew the Bill to attend the Committee and explain its provisions, many of which were not very intelligible, in order that, if possible, it might be put into a shape in which it would be more deserving the attention of the House.

SIR STAFFORD NORTHCOTE said, the right hon. Gentleman had complained that no explanation of the Bill had been given by the Government. It was in the recollection—he would not say of the House—but of the hon. Member (Sir Francis Goldsmid) that an explanation of the measure was given some time ago by his right hon. Friend the Chancellor of the Exchequer, for the hon. Member had referred to the terms of that explanation. His right hon. Friend gave a general description of the nature of the Bill he was about to introduce. Owing to the pressure of business, and the importance of carrying it forward as rapidly as possible, it had been brought to the present stage without being made the subject of a discussion. It was now proposed that the measure should be referred to a Select Committee. The Government had no objection to that course. They thought it was the desirable course to be pursued. In a matter of that sort the great and cardinal question was how far they could carry the House of Commons with them in any provisions which might be made for the repression of bribery and corruption. Nothing was so easy as to make speeches and declarations, and to get cheers in that House upon abstract Resolutions as to the repression of bribery. But what they wanted to do was to devise some means by which a stop should as far as possible be put to it. They could not put a stop to an offence of that kind unless in what they did they carried public sympathy, and, above all, the sympathy of the House of Commons, with them. There were two methods of dealing with bribery. Suggestions had been made that they should impose severe penalties upon persons guilty of bribery, and that they ought to require Members on taking their seats in the House to make solemn declarations that they had not committed the offence. Those provisions might seem to be effective. But the question was whether, when they had enacted them—well as they might look on paper—they would really attain their end. The Government, on looking the matter over,

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thought it would be better not to rely either upon severe penalties, or upon solemn declarations, which might, perhaps, harass tender consciences, and be only laughed at by guilty persons. They thought it desirable to institute a more searching inquiry in order to discover, punish, and put down an offence which was one of the greatest blots in our electoral system. They considered of course the machinery now in force, and they found that there were many difficulties in the way of the present system of proceedings before Election Committees. Among those difficulties was a very obvious one, perfectly well-known, no doubt, to hon. Members—namely, that after an election had taken place in which corrupt practices had prevailed, there was the greatest possible uncertainty whether they would ever be brought under the notice of an Election Committee at all. There was, in the first instance, the question whether some arrangement might not be made in the place where the election occurred to stifle the proceedings, get rid of witnesses, and in other ways prevent investigation. Then there was the further danger which undoubtedly had at different times been incurred—that election petitions might be treated as mere matters of party. That the one party might make proposals to the other that if they withdrew their petition in one case they would withdraw theirs in another. In that way, no doubt, under the present system there was great difficulty in bringing a case to be fairly tried before a Committee of the House. Moreover, the knowledge that several months would elapse, during which there was no knowing what might happen, encouraged these practices by giving the perpetrators a chance of escape, and thus rendering them more careless than they otherwise might be. The object of the Government was to bring these matters as quickly as possible under the knowledge of the persons whose duty it would be to inquire upon the spot, who had no interest in the election, and who could act before—as the phrase went—matters could be “squared.” They hoped that this would operate as a check on objectionable practices. It appeared to the Government that it would be best to put their proposal in the form of a Bill, and submit it to the House of Commons in such a shape that it could be worked. They felt, however, that it was of no use to force it upon the House, and that all depended

upon the House being satisfied with the measure. The Government thought that if the House should determine to refer the Bill to a Select Committee, where the details could be considered, then the measure might go out to the country not so much the measure of the Government as that of the House itself. With regard to the proposal that the Report of the Commission should not be final and should be subject to appeal to the House itself, that was done by the Government in order to save the privileges of the House. If the House should be prepared to abandon that appeal to itself—and he was himself far from saying that it would not be desirable to do so—the Government would be prepared to omit that clause. It would not have been desirable for the Government to bring forward a measure which should run the risk of being rejected by the House because it was too strong. The measure which seemed desirable was not so much that which might look best on paper, but that which the Government could hope to carry. The Government for these reasons would be prepared to accept the proposal to refer the Bill to a Select Committee, which would call before it the gentlemen who drew the Bill, who would explain its provisions. If the Government were able to carry this Session a measure which should effectually repress bribery at future Parliamentary elections it would be the proudest chaplet in the history of any Administration.

MR. BERESFORD HOPE said, that the Bill was little better than a sham, and totally inadequate to prevent corruption at elections. It was not a Bill to prevent corrupt practices at elections, but one to punish them after they had not been prevented, and sometimes not even that, with its provision enabling the prosecutor at his pleasure to drop the prosecution. It was a proposal to shut the stable door after the steed was stolen. He confessed to a liking—recollecting the allusion of the Chancellor of the Exchequer the other day, to the country in which his ancestors had for several generations sojourned—to that good old-fashioned Batavian honesty for which the Dutch were so conspicuous in their commercial transactions, and by which they had created their national greatness. He did not see this honesty in the purpose of the present Bill, and he could not therefore accept it as it stood. The House was on its trial. The real way to put an end to corrupt practices was to go to the

root of the matters, and to alter the whole machinery of elections. That which broke down candidates and perpetuated the crying evil was not the direct corruption to which he hoped very few persons in their desire to get into Parliament would purposely and in cold blood lend themselves; but that category of doubtful and slippery expenses, which in moderation might be legal and necessary, but which, if used in excess, became in fact, though not in name, mere bribery. It was against these expenses of committee-rooms, treating, canvassing, and so forth—expenses which he might describe as certainly not the heaven of electioneering, nor yet quite another place—but undoubtedly its purgatory that he would desire to see the House legislating. He wished to see the line drawn clearly and unmistakably between expenses which were really right, legal, and necessary, and those which were absolutely corrupt, so that the man who meant to come in by his money should have to follow Luther's prescription, *pecca fortiter*, and take the consequences. Above all things the prohibition against holding any committee-rooms in houses of public entertainment must be absolute and without exception. He might here say that of all the Amendments on the Reform Bill, the one which he observed with the greatest pleasure was that of the hon. Baronet the Member for Cardiganshire (Sir Thomas Lloyd) proposing to declare that practice illegal. He trusted that the hon. Member would persevere in it as the truest Bill for the prevention of corrupt practices at elections. He would also put an end to all banners and such fooleries which made a contested election like Hyde Park under Tory Government. The better education and moral feeling of this century had abolished duelling and had extinguished bull-baiting and cock-fighting, and other barbarous old English amusements; and really he thought that all the rioting and revelling at elections was but the last bad relic of the same barbarism which they could not too soon dismiss to join the other extinct abuses. The suggestion which he should make would be that whenever an election was imminent some competent authority, the Chief Justice of the Common Pleas for instance, should appoint a person of legal standing—the County Court Judge when available—or some other lawyer of equivalent position to act as arbiter of all the election expenses. This person, who would be more

powerful than any election agent or auditor, and whom he would call the election Judge, should open his court in the borough or county, and all expenses to be legal should be previously sanctioned by him. The system would be self-working. The election Judge would approve on either side only as many committee-rooms—none of them in any place of public entertainment—agents, canvassers, and other machinery as he thought necessary. His order book would be the test of the legality of each item of the expenditure, and any expense contracted without his order would be *ipso facto* illegal, and liable to void the election. If such a machinery were introduced into the Bill it might be made that which it was not at present, a measure really calculated to put down that plague of our constitutional system—corruption at elections.

Mr. BERKELEY said, that if there was a necessity for a Reform Bill, there was infinitely more for a Corrupt Practices Prevention Bill. If the franchise was extended without being accompanied by a very stringent measure for that object, both intimidation and bribery would be extended. In this Bill there was nothing to prevent intimidation, and very little to prevent bribery. They must, if they were in earnest, come to the ballot. Without that the reference of this or any other Bill to a Select Committee was a mere mockery. If the Select Committee succeeded in making it a good Bill, he for one should be very much astonished.

Mr. OSBORNE said, it was very pleasing to hear those little ebullitions of indignation in which most of the Members of that House indulged whenever the subject of bribery came on for discussion. There were, he believed, some new Members who really persuaded themselves, and wished to persuade the public, that the House of Commons was thoroughly in earnest in its endeavour to put down corrupt practices at elections. He (Mr. Osborne) did not believe it. At the risk of offending many hon. Gentlemen, he must say that he thought their proceedings on those occasions were very much on the commercial principle. There were not thirty Members in that House who had obtained their seats by what he termed fair means. ["Oh!"] He had no doubt that those who cried "Oh!" were pure and honest men. The hon. Member (Mr. Whalley), who appeared to be so indignant at the statement which he had just made, had secured his seat, not by appealing to the pockets of his constituents, but

Mr. Beresford Hope

to their passions and prejudices, which, to his mind, was as much bribery as anything else. The Government had, he was prepared to admit, gone as far as they dared, and had taken a great step in dealing with the matter. The President of the India Board (Sir Stafford Northcote) corroborated his statement, for he said, "This is not a good Bill, but it is the best which the House of Commons is capable of passing." The Government, at all events, had taken a step in the right direction, for they had had the courage to initiate the idea of taking away the power from the House of being judge and jury in its own case. Without doing this there could not be even an approximation to giving satisfaction out of doors or inspiring confidence in decisions. He was, under those circumstances, disposed to give the Government great credit for the proposal they had made. If such a proposal had been brought forward some years ago, the hon. and gallant Gentleman (Colonel Wilson Patten), who was so great on the subject of the privileges of the House, would be sure to have arisen in his place and pronounced an anathema upon the Government for taking away its powers. He was reminded by what had fallen from the hon. Gentleman (Mr. Beresford Hope) of two lines which described, not his great ancestors, but an illustrious countryman of theirs. A poet of the time of Queen Anne said—

"Batavian William knows the British tribes,
He scorns all merit and appeals to bribes."

He did not concur with the hon. Gentleman as to the honesty of those Batavians. It was a Batavian Parliament which initiated the bribery which now so extensively prevailed. It was as well to speak plainly in the matter. Was it not a fact that two-thirds of the Members of the upper House had obtained their peerages because they had freely spent their money in contested elections? Who was looked upon as a worthy Member of a party? A man who had contested a county and spent some thousands in the undertaking. Why were Baronets made? He would not say hon. Members might learn the reason from anybody. It was a very low form of promotion, and was sometimes given for contesting boroughs. It was very easy to get up in that House and make fine speeches. He did not believe that half of those whom he addressed—not even excepting the hon. Member (Mr. Whalley) who cried "Oh!" so loudly—were sincere in their endeavours to put down bribery.

The fact was that one-half of the House would never have entered it at all had they not happened to have long purses and had they not been prepared to spend the contents of those purses. Although the provision of the Bill which took away the power from the House would operate most usefully, bribery would continue to exist until it came to be looked upon as infamous, and what was termed ungentlemanly. At present it was the fashion, and no man seemed to think the worse of another because he happened to have bribed. He begged to thank the Government for having dared as much as they had done. It was, at the same time, clear to him that as long as the House was content with periodical disquisitions on the subject—whether the Parliament was a Batavian or an English one—so long must hon. Members make up their minds to go through a solemn farce every year. Bribery would continue. Loyal adherents would be made Peers, and obsequious followers Baronets.

COLONEL SYKES said, one of the best means to effect the abolition of bribery and corruption at elections would be the multiplication of the number of the electors. The purses of those who now obtained their returns by bribery would not then be long enough to corrupt the constituents. The ballot might be opportunely adopted now when the franchise was about to be given to people who were peculiarly exposed to the influence of the wealthy classes.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *committed to a Select Committee*.

And, on May 16, Select Committee *nominated* as follows:—Mr. MOWBRAY, Mr. WHITBREAD, Sir RAINALD KNIGHTLEY, Sir ROBERT COLLIER, Lord EDWIN HILL-TREVOR, Mr. LOWE, Lord ELCHO, Mr. KNATCHBULL-HUGESSEN, Mr. RUSSELL GURNEY, Mr. BAXTER, Mr. BRETT, Mr. CLIVE, Mr. SCOURFIELD, Mr. SULLIVAN, Mr. BEACH, Mr. OTWAY, and Mr. HUNT:—Power to send for persons, papers, and records; Five to be the quorum. And, on May 17, Sir GEORGE GREY, Sir STAFFORD NORTHCOTE *added*.

VICE PRESIDENT OF THE BOARD OF
TRADE BILL—[BILL 22.]

(*Sir Stafford Northcote, Mr. Cave, Mr. Hunt.*)

THIRD READING.

Order for Third Reading read.

MR. CHILDERS moved its re-committal

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pro forma. He said that it was for the purpose of inserting an Amendment which he had not had the opportunity of moving at an earlier stage. The Bill proposed to substitute a Parliamentary Secretary for a Vice President. The latter had to resign his seat on appointment, the former would not. The words he proposed to introduce would have the effect of appointing an officer who would vacate his seat on appointment.

MR. STEPHEN CAVE said, he acceded to the Motion. He regretted having pressed forward an earlier stage of the Bill, not knowing that so fair and courteous an antagonist as his hon. Friend desired to raise any question upon it. The Vice President of the Board of Trade was appointed by the Queen, whereas the future Under Secretary would be appointed by the head of the Department. By analogy therefore to other Government offices, he need not vacate his seat, as he did not hold an office of profit under the Crown.

SIR STAFFORD NORTHCOTE said, he regretted that the hon. Member (Mr. Childers) should have been disappointed on a former occasion. The mistake was probably owing to an impression that a Return which had been granted had satisfied the opponents of the Bill.

Order discharged.

Bill *re-committed*; considered in Committee.

House resumed.

Committee report Progress; to sit again upon *Thursday*.

IRELAND—GALWAY HARBOUR.

COMMITTEE.

Considered in Committee.

(In the Committee.)

MR. HUNT said, he had to move a Resolution authorizing the Treasury to compound the harbour debt of £29,000 for £10,000, which was to be converted into a terminable annuity. The course proposed to be taken was similar to that assented to by the late Government in the case of Limerick Harbour. In 1831 a sum of money was advanced for the improvement of Galway Harbour, and the interest of 5 per cent was regularly paid up to 1842; but in consequence of the failure of the Harbour Board to meet its engagements, the Board of Works in Ireland had been for some time acting as mortgagees in

Mr. Childers

possession. If the House agreed to the Resolution a Bill would be brought in which would disclose the arrangement in greater detail.

MR. CHILDERS said, he supported the proposal. He, however, hoped these cases would act as a warning to Governments how they sanctioned the application in future of Government money to purposes of local improvement, which were found, after the money had been spent, to be unremunerative in their character. He hoped the Bill would be referred to a Committee upstairs.

MR. MONSELL said, he must remind his hon. Friend, who had spoken as if these cases were peculiar to Ireland, that in other parts of the United Kingdom, and conspicuously at Leith, similar arrangements had been made.

MR. WHALLEY said, he trusted the Government would insure that, in the exercise of any liberality to Ireland, favours should be so dispensed that they do not increase present grievances and create new ones.

MR. G. MORRIS said, he found from the Journals of the House that liberality had been exercised towards England and Scotland far in excess of anything which had been done for Ireland. He should speak upon the subject of Galway on a future stage of the Bill.

Resolved, That it is expedient to authorise the Commissioners of Her Majesty's Treasury to compound the Public Debt and Interest due by the Galway Harbour Commissioners, and to make arrangements for the payment of the amount for which such Debt is to be compounded.

House resumed.

Resolution to be reported *To-morrow*.

TRAMWAYS (IRELAND) ACTS AMENDMENT BILL—[BILL 125.]

(*Mr. Monsell, Mr. Sheriff.*)

SECOND READING.

Order for Second Reading read.

MR. MONSELL said, that the object of the Bill was to enable the laying down in Ireland, under the direction of the Board of Trade, of local lines of railways.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Monsell.*)

MR. STEPHEN CAVE said, that he could not oppose the second reading of a Bill which was brought in with such authority, and which had already passed

the House in its present shape after revision by a Select Committee. At the same time, the House should know, especially as there was no discussion on the subject last year, that the provisions of the Bill were far in advance of existing legislation. By the Railway Construction Facilities Act of 1864, the Board of Trade was authorized to grant a certificate for the making of a railway, provided all parties whose land was to be taken consented, and no railway company whose interest might be affected objected. The present Bill allowed lands to be taken compulsorily, by order of the Grand Jury, and enjoined the Board of Trade—which he was sorry to say had been substituted for the Irish Board of Works, and which he thought the less appropriate tribunal of the two—to decide not only on the general merits of the scheme, but also to inquire whether it would injuriously compete with existing or authorized railways. A similar provision was contained in a Bill for England now before the House, proposing to substitute the Board of Trade for Parliamentary tribunals, and give an executive department legislative functions which it neither could nor ought to exercise. There was, as far as he could see, no appeal from such decisions; whereas in the Act of 1864 the certificate was for six weeks liable to be annulled by Parliament. There had been apprehensions expressed as to the danger of running locomotives on these lines, along public roads, which, however, seemed to be thought little of by the Irish authorities, who ought to be the best judges. He trusted the Bill would be well considered in Committee.

MR. LAWSON said, that the Bill in this respect merely proposed that the machinery for superintending the making of a railroad should be the same as that which now kept an eye on the making of roads.

Motion agreed to.

Bill read a second time, and committed for To-morrow.

ARMY (SYSTEM OF RETIREMENT).

MOTION FOR A SELECT COMMITTEE.

MR. CHILDERS said, that as he understood that there would be no objection to his Motion, he should only detain the House for a few minutes. He had to move for a Select Committee on the systems of

retirement in the Artillery, Engineers, and Marines. He had already moved for Papers on the subject, by a perusal of which no one could fail to be satisfied that these systems were altogether unsatisfactory. In the Artillery and Engineers the system consisted of the establishment of a fund of £48,000 a year, two-thirds of which was applicable to the former corps; and as any balance arose on this fund retirements of £600 a year were offered to the major-generals and colonels, and in certain cases smaller amounts to officers of lower rank. Before accepting these retirements the officers had to calculate whether they had a better chance of higher emoluments by remaining on the establishment; and the system worked so badly that at the present time the senior colonels of Engineers were ten years older than the senior colonels of Artillery, and that instead of retiring the older officers, the last sums of £600 a year were refused down to colonels between the twentieth and twenty-fifth on the list, ten years younger than those at the top. Such a system was a mere irrational lottery, and no wonder that its failure was used as an argument in favour of the purchase system. As to the Marines, he hardly knew whether there were any rules as to their retirement, but they appeared to have a very undue number of retired officers, and at a higher rate than the other two corps. He hoped that the result of the Committee's inquiry would be to put the system on a fair footing as to the three corps, and to remove much dissatisfaction which now existed. With this view, he moved for the Committee.

SIR JOHN PAKINGTON said, he entirely agreed with his hon. Friend that it was most desirable that some inquiry should take place on the subject, in order that some improved system of retirement might be settled for these seniority corps. Already there had been three departmental Committees on the subject, and they were unanimous as to the necessity of an increased allowance for retirement. He thought the subject well worthy of investigation if it were only on account of the great stagnation of promotion which had up to a recent period existed. The result of the most recent inquiry was that the officers of the Engineers and Artillery would reach an age before promotion that would seriously interfere with the interests of the service. He should have preferred a Royal Commission, but he would not oppose the proposal for a Committee.

MAJOR JERVIS said, he approved of the appointment of a Committee, believing it a better mode of proceeding than the appointment of a Royal Commission. Something should be done to stimulate promotion in the Engineers and Artillery.

MR. OTWAY said, he supported the Motion, but he hoped that the military element would not be too predominant on the Committee. He trusted that the inquiries of the Committee would not be confined to the subjects mentioned in the Notice given by the hon. Gentleman (Mr. Childers). He thought it desirable that a comparison should be instituted between the system of retirement in the corps mentioned in the Notice and other corps.

Motion agreed to.

Select Committee appointed, "to inquire into the system of retirement from the three non-purchase corps of Royal Artillery, Royal Engineers, and Royal Marines."—(Mr. Childers.)

And, on May 14, Select Committee nominated as follows:—Mr. CHILDERS, Colonel PERCY HERBERT, Marquess of Hartington, Major JERVIS, Mr. GRENFELL, Mr. PACK-BERESFORD, Major O'REILLY, Colonel STURT, Mr. TREVELYAN, Sir JOHN HAY, Mr. OTWAY, Colonel NORTE, Captain VIVIAN, Mr. EVANS, and Mr. DE GREY:—Power to send for persons, papers, and records; Five to be the quorum.

CORRUPT PRACTICES AT ELECTIONS (SALARIES AND EXPENSES).

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Salaries and Expenses of the Election Commissioners and their Secretary to be appointed under the provisions of any Act of the present Session relating to Corrupt Practices at Elections.

House resumed.

Resolution to be reported *To-morrow*.

MINES, &C., ASSESSMENT BILL.

Ordered, That it be an Instruction to the Select Committee on the Mines, &c., Assessment Bill that they have power to inquire into the present exemptions from liability to local rates of different hereditaments other than those occupied for State purposes, whether arising out of Statutory provisions, or the decisions of the Courts of Law, or custom or usage, and to make provision for the abolition of all or any of such exemptions, if the Committee shall deem such course to be right, by extending the provisions of the Bill referred to them.—(Mr. Gathorne Hardy.)

House adjourned at a quarter after
Twelve o'clock.

Sir John Pakington

HOUSE OF LORDS,

Tuesday, May 7, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Supplemental* (89); Land Drainage Supplemental* (90).

Second Reading—Increase of the Episcopate (51); Inclosure* (65).

Third Reading—Petty Sessions (Ireland) Act (1851) Amendment* (78).

EMPLOYMENT OF VOLUNTEERS IN CIVIL DISTURBANCES—THE IN STRUCTIONS.—QUESTION.

In reply to Earl COWPER,

THE EARL OF BELMORE stated that the Instructions to Volunteers who might be employed in suppressing civil disturbances had been already drawn up by the Law Officers of the Crown, and were now receiving final consideration at the Home Office and the War Office, and would shortly be issued.

CLERICAL VESTMENTS.—QUESTION.

THE ARCHBISHOP OF CANTERBURY said, it would be in their Lordships' recollection that before the recess he had stated that in consequence of the probability of a Royal Commission being issued to inquire into the subject of Ritualistic Innovations, the idea of introducing a Bill on the subject had been abandoned. He begged now to ask the noble Earl at the head of Her Majesty's Government, Whether it was in contemplation to advise Her Majesty speedily to issue a Royal Commission to deal with that subject?

THE EARL OF DERBY said, he had had some communication with the most rev. Prelate on the subject of ritualistic practices in the Church of England. At that time the proposal of the most rev. Prelate was, as he understood, that a Royal Commission should be issued solely for the purpose of inquiring with reference to one rubric which prescribed certain ornaments in the church. Subsequently a noble Earl opposite (the Earl of Shaftesbury) gave notice of the introduction of a Bill for dealing with the subject, not by way of Royal Commission, but by Act of Parliament. Entirely concurring in opinion with the noble Earl, he was very anxious to see these practices, which he thought on the increase and tended to disturb the minds of congregations, discontinued. He regarded them as novelties

which were quite unnecessary; they revived practices which had not been heard of for 300 years before, and were so far inconsistent with the doctrines and principles of the Church, and wholly alien to the feelings and sentiments of the people. But, while he had a strong conviction on this subject, and saw the expediency of an early settlement of the question, whether these practices were legal or not, he was disposed to concur with the most rev. Prelate that such an object could be best attained, not by discussions in Parliament, which it was possible might be converted into an occasion of political and polemical disputes, but in the same manner in which a satisfactory settlement had been attained of the question of clerical subscription, by means of a Royal Commission, with definite objects prescribed and definite instructions given. But he must state fairly to the most rev. Prelate—what, indeed, he stated on the former occasion privately—and this was the main cause why any delay had occurred in the issuing of the Commission—that in his own judgment and that of his Colleagues, it was not expedient to issue a Commission limited to so small an object as the single examination of that one rubric which dealt with the question of vestments and ornaments in the Church. He thought, without touching the doctrines or teaching of the *Book of Common Prayer*, it was not undesirable that an examination should take place into the various rubrics which relate to the mode of conducting all the services. There were various points in which the rubrics appeared inconsistent, and some which though perfectly plain were systematically disregarded. He thought it very desirable that the attention of the country should be called, through the investigation of a Commission, to those rubrics which prescribed the mode of celebrating public worship, including those relating to the publication of the banns of marriage. He had seen two Prayer Books, published by authority, in one of which it was stated that the banns should be published immediately after the Nicene Creed, and in the other it was said that they should be published after the Second Lesson in the Morning Service. Again, it was distinctly laid down in the rubric that after the celebration of the Holy Communion the Offertory should take place, and that where there was no Communion the service should terminate with the Prayer for the Church Militant. Now, it was well

known that no uniformity of practice existed in these respects; and it would be desirable, for the purpose of establishing uniformity, that a Royal Commission should investigate the subject. Of course the terms of the appointment of the Commission would be carefully considered, and they would confer on the Commissioners the power of inquiry, and expressing an opinion, whether there was any occasion for altering or amending any of the rubrics he had referred to, or for leaving it discretionary with the ministers in certain cases either to comply with them or not. He was quite prepared to say in answer to the Question put to him—as he understood that the right rev. Prelates were favourable to the issue of a Commission—that he was ready to advise its issue on the understanding that the investigation of the Commission was to embrace such subjects as he had laid before their Lordships, without dealing with any question of doctrine or discipline. He did not think it desirable that a Commission should issue for the purpose of inquiring exclusively into the question of vestments and ornaments, for he thought that there would be an advantage in extending the inquiry beyond that single subject. He hoped the Commission would have the co-operation of the right rev. Bench, and that there would be no objection to extend the inquiry in the manner he had suggested.

THE EARL OF CARNARVON said, that the noble Earl had stated very clearly what would be the general objects of the Commission; but he presumed that the noble Earl would have no objection to lay, previously to the issue of the Commission, some fuller information on the table of the House as to the particular instructions which would be embodied in the Commission.

THE ARCHBISHOP OF CANTERBURY said, that for his part he was perfectly willing to concur in the noble Earl's suggestion with respect to the limitations of the inquiries of the Commission.

THE BISHOP OF CARLISLE said, that as the noble Earl had intimated that the course proposed was asked for by the majority of the right rev. Bench, he did not wish it to be understood that there was not an unanimous wish on the part of the right rev. Prelates that a Royal Commission should issue on the matters which had been referred to. He and those who concurred with him thought that the issue of a Commission would lead to practical

delay in dealing with the question of ritualism, and that in the meanwhile the evil complained of would continue and spread. To counteract that evil some energetic action was required, and he felt that the proper mode of proceeding would have been, as it was well-known had been contemplated by some very distinguished Members of the Episcopal Bench, the introduction of a Bill by the Bishops themselves. Thus the opportunity would have been given them of conferring a lasting benefit on the Church of England, and he regretted that, as more timid counsels had prevailed, they must fall back on a Commission. Had the Bill been introduced they might have found a decided and immediate remedy against ritualism.

THE BISHOP OF LONDON desired to express his thanks to the noble Earl for his proposal to issue a Commission on the subject of ritualism, which should be dealt with in the first instance. He thought also their Lordships were indebted to the noble Earl opposite (the Earl of Shaftesbury) for having brought the subject prominently forward. If the noble Earl thought it right to proceed with his Bill respecting clerical vestments, it did not follow that the existence of the proposed Commission was necessarily inconsistent with that measure; but perhaps the noble Earl would think it better to withdraw the Bill in the event of the Commission being issued. There were a great many questions connected with this matter not touched by the noble Earl's Bill, and therefore he was glad that the inquiries of the Commission would extend to other points.

THE BISHOP OF RIPON trusted that the noble Earl would proceed with his Bill, and he believed that its passing would be attended with the greatest advantage to the Church.

THE BISHOP OF OXFORD tendered his thanks to the noble Earl at the head of the Government for the announcement he had made. He endorsed what had fallen from his right rev. Brethren, except that he felt that there should be an inquiry by a Commission before any legislation took place. He also begged to thank the noble Earl (the Earl of Shaftesbury) for his Bill, for he felt quite sure that he was only influenced in introducing it by his deep attachment to the Church, friendliness to that Bench, and a real desire to see all difficult and perplexing questions set at rest. But in the free exercise of his judgment, he (the Bishop of Oxford) thought the best

The Bishop of Carlisle

way of settling these questions would be by the constitutional method of the action of the Crown. There must be a certain rigidity and roughness in the interruption of an old and long established system of legislation, except preliminary means were used to soften the edges of division. He therefore, with great deference, ventured to suggest to the noble Earl that the object which they all had in view might, under God's blessing, be obtained more safely and certainly by proceeding somewhat more leisurely in the course he was about to take, and that he would speed better in securing the object he had in view by not making too much haste at the outset.

THE EARL OF CARNARVON wished to know whether the noble Earl at the head of the Government would answer his question, and state what particular rubrics the Commission would be called upon to deal with?

THE EARL OF DERBY said, that the terms of the Commission would be such as to include all those questions into which it was deemed necessary that inquiry should take place, concerning the mode of conducting Divine service, without dealing with any of the doctrines or principles taught in that service. It was quite impossible to single out each particular rubric with which the Commissioners would be empowered to deal. General instructions would be given to the Commission for the prosecution of their inquiry, and they would be left to exercise their discretion in dealing with all the rubrics, and forming an opinion upon them.

EARL STANHOPE said, he would like to know whether any alteration would be proposed in the marriage or any of the other services?

THE EARL OF DERBY said, that at present considerable doubt existed as to whether banns should be published at one stage of the Divine service or at another, and that was a point which invited attention. It was not, however, meant that the form of the marriage or that of the burial service should in the slightest degree be interfered with.

THE ARCHBISHOP OF YORK could not help thinking that the subject was one which was ripe for legislation. The Convocation of the Province of Canterbury had pronounced an opinion upon it, and an opinion still more decided had emanated from the Convocation of the Province of York. Indeed, no Church question had,

so far as he knew, received a fuller consideration before it came to be dealt with in Parliament than that of Ritualism. Deeming it, however, desirable that the Members of the Bench of Bishops should be united with respect to the course to be pursued, he should give his assent to the proposal for issuing a Commission, although for his own part he should have preferred legislation at the hands of their Lordships' House.

THE EARL OF SHAFTESBURY said, he could see no good reason why a state of things should be prolonged which had already so much disturbed men's minds and shocked their consciences. He quite agreed with the most rev. Prelate that the subject was ripe for legislation, and the sooner they addressed themselves to wipe away a great evil from the face of the Church the better, for while it continued not hundreds but thousands were day by day and hour by hour being alienated from the Church of England and her communion, and drifting some into indifference, some into the bosom of the Church of Rome; and this evil was mainly occasioned by the dissatisfaction and fear which the present state of things created. It was impossible, he contended, that the proposed Commission, though its inquiry should be limited to the question of vestments alone, could publish its Report in the present Session; while if it had to deal with all the subjects which the noble Earl at the head of the Government indicated, its labours could not be brought to a close within a period of two or three years. Moreover, what would occur in the end when the Commissioners had concluded their labours? At the end of that time the Commissioners must report that the use of vestments was either legal or illegal. If they were legal an Act of Parliament would be required to do away with the abomination; and if they were illegal an Act of Parliament would equally be required, inasmuch as the law as it stood was not sufficiently strong for the purpose of its extinction. The right rev. Prelate opposite (the Bishop of Oxford) had observed that there was almost a sort of delicacy in obtruding on an old system the coarseness and the roughness of the statute law; but he seemed to forget that we were now resting on the statute law and that the rubric to which he had intimated that he should direct their Lordships' attention was part of the statute law, being embodied in the Act of Uniformity. He

would simply add that he at present saw no good reason why he should not proceed with his Bill.

THE BISHOP OF OXFORD explained that all he had contended for was that legislation should be preceded by inquiry. The edges of division should be softened, and they should not begin by hasty legislation. He was, of course, perfectly aware of the fact stated by the noble Earl who had just sat down as to what was statute law. What he deprecated was the alteration of the existing law without first instituting inquiry.

INCREASE OF THE EPISCOPATE BILL.

(*The Lord Lyttelton.*)

(NO. 51.) SECOND READING.

Order of the Day for the Second Reading read.

LORD LYTTELTON, in moving that the Bill be now read the second time, said, that when a few years ago he introduced a measure on the same subject, of a more general character, he took occasion to state that he had not proceeded in the matter on his own mere motion. On that occasion he was furnished with representations from very respectable quarters in favour of his proposal, and he was happy to be able to state that he now stood in even a better position. The most rev. Primate permitted him to say that he brought forward the Bill at his request, and that he spoke not only for himself, but for his right rev. Brethren on the episcopal Bench; of whose approval, looking at them in their corporate capacity, he could speak, for he had on his side the unanimous vote of the Convocation of the Province of Canterbury, at whose head the most rev. Prelate was, so that he might with peculiar fitness have himself introduced the measure. From the second paragraph of the preamble they would find that a Commission issued in the year 1847 dealt with the question, and dealt with it in a remarkable way, for the Commission was not one for the general extension of the Episcopate, but its terms referred to the intention declared by the Crown of submitting to Parliament a measure for continuing Bangor and St. Asaph as separate bishoprics, and for the establishment forthwith of a bishopric of Manchester; and also, as soon as conveniently might be, of three other additional bishoprics, which were not specifically named. But in their final Report the Com-

missioners, while making recommendations on the subject of the bishoprics named in the body of the Commission, omitted any reference to the three dioceses mentioned, but not specifically named in it. Owing to the feeling in the other House of Parliament, the question was not proceeded with. A further Commission was alluded to in the preamble of the Bill; and its third and final Report was presented in May, 1855. That Commission adverted again to the question of a specific increase in the number of bishoprics—that was to say, while giving an opinion in favour of a general increase in the Episcopate, it also stated that particular places fit for the erection of new sees were four, two of which were the same as those contained in the Bill which he had the honour to propose. Next, he found in the report of the proceedings of the Convocation of Canterbury that on the 4th of May last year both Houses agreed to an address praying that the Government would introduce into Parliament a permissive Bill authorizing the formation of one or all of the three new dioceses specified in the present Bill. He proposed by the 1st clause in his Bill—

“That the Diocese of Exeter should be relieved by the Severance from it of the County of Cornwall, and that a Bishopric should be erected for that County; and also that the Dioceses of Lincoln and Lichfield should be relieved by the Erection of a Bishopric at Southwell in the County of Nottingham; and also that the Archdiocese of Canterbury and the Diocese of London should be relieved by the Erection of a Bishopric at St. Alban's in the County of Herts, and by the Restoration of the Diocese of Rochester as far as may be convenient, to its former Limits, with certain Additions from the Archdiocese of Canterbury.”

The Bill avoided, as far as possible, all details, leaving its provisions to be given effect to by the Queen in Council, after investigation and Report by the Ecclesiastical Commissioners; and it also left for future consideration the completion of the new sees by the erection of caputular bodies. The 7th clause provided that the number of Bishops sitting in Parliament should not be increased, and that the Bishop of any new see should succeed to a seat in that House in the order prescribed by the Act of 10 & 11 *Vict.*, establishing the bishopric of Manchester. The 10th clause provided that no part of the Common Fund in the hands of the Ecclesiastical Commissioners should be applied to any of the purposes of that Act. He must himself say he disapproved that clause. Nothing he thought could be more fair or proper than that the

Lord Lyttelton

Ecclesiastical Commissioners, in dealing with the funds of the Church, much of which were derived from the existing bishoprics, should be allowed to include, at their discretion, and with the approval of Parliament, the erection of new sees among the objects to which those funds were devoted. But that was not a principle vital to the measure; and for the sake of expediency, and in order to have a better hope of passing the Bill, he had consented to the insertion of that clause. There was also a clause in the Bill relating to the difficult subject of Suffragan Bishops, which he proposed to omit in Committee, as it might more properly be dealt with in a separate measure. The Bill was a voluntary and permissive one. It said in effect that if in the districts to which it referred there should be persons who thought there was such a thing as a due proportion between the episcopal function and the number of people to whom that function related, and if they were willing at their own proper costs and charges to furnish the means of carrying their view into effect, Parliament would not prevent them from doing so. The arguments often used against an increase of the episcopate would equally apply if the population of this country were 50,000,000, and if the clergy were threefold their present numbers. He understood that the Rev. Mr. Claughton, the day after he learnt that the see of Rochester would be conferred upon him, received a letter from the Bishop of London congratulating him on his appointment, and stating that he handed over to him a population of 300,000 including the clergy, who on the death of the late Bishop of Rochester were to be transferred from the diocese of London to Rochester. And at the same time a memorial was forwarded to the noble Earl at the head of the Government, signed by many of the clergy and laity of the county of Hertford, representing the urgent necessity for a division of the diocese of Rochester, and complaining of their remoteness from the cathedral city. There were persons who admitted that an increase in the number of Bishops was in itself reasonable, but who alleged that the funds proposed to be devoted for this purpose would be better laid out in increasing the numbers of the clergy, and in the better payment of those who existed. This was, however, a fallacy, as nothing tended more to those very objects than a proper number of Bishops. It was sometimes said that the functions of a

Bishop were purely administrative. But, in his opinion, nothing could be more erroneous. The position of a Bishop might be illustrated by reference to that of a Lord Lieutenant, which it somewhat resembled. He spoke with some experience on this subject, since, with the exception of the noble Lord the Lord Lieutenant of Cambridgeshire, he had held this post longer than any Member of their Lordships' House. There were some Lord Lieutenants who, no doubt for good reasons, did not reside in their counties; but there was not one of these cases in which the magistrates and the inhabitants did not regret the absence of the Lord Lieutenant. In the same way the absence of a Bishop from his clergy was always a source of great grief to them, not that in either case the formal and legal duties were the most important, but that the general and social influence was very great. A Bishop had, no doubt, considerable legal duties to discharge; but his position was also one of great moral influence, even as the Lord Lieutenant was looked upon as at the head of the county. Another argument which had been adduced was that railways, penny postage, and other facilities of communication had obviated the necessity for an increase of the episcopate; but the fact was that these things had increased the extent of episcopal work far more than they had accelerated its execution, and it was obvious that they could not diminish the mental pressure and anxiety which Bishops experienced. With regard to Cornwall, it had been said that the people did not wish that county to be severed from the see of Exeter; but if so, it only showed that they had been so long virtually without a Bishop that they had become callous as to the want being supplied. The fact was that those who objected to any extension of the episcopate really objected to episcopacy altogether. What they would desire was a Church of independent congregationalists, and their ideal of a clergyman was a man subject to no control or supervision, and answering to the description which had been given, as "a man with £300 a year and a pony carriage, administering spiritual consolation." On a previous occasion a noble Lord (Lord Houghton) had expressed an apprehension that if a number of new Bishops were appointed without giving them seats in that House, the connection between the Church and State would become impaired. This argument he really

did not understand. He was glad to find that the principle of the Bill met with the approval of a Prelate of great ability and acuteness, and one who was naturally rather indisposed to accede to new proposals of this kind. He was referring to the Bishop of St. David's, who in Convocation seconded the motion for the creation of these three new sees; and who, in doing so, said he believed the measure was a moderate one, and that he could see no valid objection to its adoption. With these observations he (Lord Lyttelton) begged leave to move the second reading of the Bill, which, if amid the tumult of party politics, it should receive the sanction of Parliament, would, he believed, be found to be one of the most useful measures of the Session.

Moved, "That the Bill be now read 2^a."
—(Lord Lyttelton.)

THE ARCHBISHOP OF CANTERBURY said, he had to offer his most cordial thanks to the noble Lord on his able and exhaustive treatment of the subject. He had heard an objection taken to the Bill on the ground that it dealt with two subjects—the subdivision of dioceses and the introduction of suffragan Bishops. But though the one question was no doubt distinct from the other, yet they were in truth closely connected, the object of the one being to relieve overworked Prelates, and that of the other to relieve Prelates disabled by age or infirmity; and he hoped the noble Lord would not consent to abandon the latter portion of the measure. It was, he thought, manifest that great spiritual advantage must be derived from the presence of a Bishop in any particular district, and it was a very remarkable circumstance that only one new bishopric had been created in this country since the days of Henry VIII. and of Archbishop Cranmer, notwithstanding the vast increase which had since taken place in our population. The establishment of additional bishoprics in our Colonies and in the United States of America had been attended with a corresponding augmentation in the number of clergymen, and it might fairly be inferred in the general extension of religious influences in those countries. In New Zealand a bishopric was founded in 1841, when there were 12 clergymen, whereas in 1860 there were 54; in Tasmania there had been an increase between 1842 and 1860 from 19 to 57; in Colombo, from 22 to 42; and

in Fredericton the number was 30 in 1845, and 53 in 1860. Between 1847 and 1860 the number had increased in Cape Town and its three subdivisions from 14 to 100; in Melbourne from 3 to 67; in Adelaide from 4 to 30; and in Montreal, since 1850, from 45 to 62. In fact, in 18 new dioceses founded between 1841 and 1860, the total number of clergy had increased from 274 to 673. Again, in the United States the Protestant Episcopal Church had seen its Bishops increased since the period of the War of Independence, eighty years ago, from 1 to 44, and its clergy from 14 to more than 3,000. The arithmetical argument for the extension of the Episcopate was, in his opinion, unanswerable, for if the number of sees fixed by Archbishop Cranmer were no more than adequate for the population of that time, the present number must be utterly inadequate now. He believed that had there been more Bishops the present ritualistic innovations would not have assumed their present magnitude, for they would have been checked by a more complete supervision of the dioceses. The late Dr. Arnold, who was not a man of an especially ecclesiastical turn of mind, had expressed the following emphatic opinion on the subject:—

“In order to any efficient and comprehensive Church system, the first thing necessary is to divide the actual dioceses. Every large town should necessarily be the seat of a Bishop. The addition of such an element to the society of a commercial or manufacturing place would be a very great advantage.”

He had received by post a day or two since an extract from a charge, which still so precisely expressed his sentiments and opinions that he might be allowed to read it. It was as follows:—

“If, indeed, the Church expects her Bishops to act merely as censors and correctors of their clergy, and to discharge a certain round of prescribed official duties, which may be measured by the public eye and are patent to universal observation, it might, perhaps, be questioned whether their numbers were not commensurate with their functions; and yet in the matter of confirmations alone it were much to be desired (according to my own impression, at least) that they could be more frequent, and that the numbers assembled, which have been already lessened by the divisions of districts, might be still more reduced by further subdivision, were not this incompatible with the pressure of our other obligations. But if the episcopate is to be regarded by our people generally, not merely as a name, but as a living reality, a vital energizing principle—if our Bishops are to identify themselves with their clergy and their people, to throw their hearts and minds into their dioceses, to be known among their

flock as St. Paul was among his—to be the friends, the fathers, and the counsellors of their clergy, advising them in their difficulties, arbitrating in differences, peace-makers where their influence can avail, resolving cases of conscience where propounded, forwarding by their counsel every good work and labour of love—if they are to be able to judge with their own eyes as to the practical working of each clergyman in his parish, to strengthen their hands in the hours of trial and perplexity, to encourage the timid and arouse the lukewarm, to let each congregation hear from time to time from their own lips the words of eternal truth, and the poor parents of every parish see that, besides their own appointed minister, there is a chief pastor of the diocese who cares for the souls of their children, and is furthering plans for their spiritual benefit—if, I say, these weighty charges really press upon a Bishop, I know not who can be sufficient for these things, according to the present constitution of our dioceses.”

In the opinions thus expressed he entirely concurred, and all the more so because they were taken from a charge which he himself had delivered almost twenty years ago, and which would have altogether passed from his recollection had it not been sent to him by a correspondent. If their Lordships believed that the Church of England was a blessing to the country, and that the episcopal authority and office were a necessary part of that Church, then he hoped that they would assent to this most moderate Bill, which was merely permissive, and only allowed the Ecclesiastical Commissioners, after the necessary conditions had been fulfilled, to create one or more sees—not exceeding three in all.

THE BISHOP OF LONDON wished to say one word with regard to the intimation which the noble Lord (Lord Lyttelton) had given of withdrawing the 11th clause. He hoped that would not be done, for in his opinion this matter of suffragan Bishops was as pressing as any other. He would also urge that the noble Lord should reconsider by the time the Bill came before a Committee what he had said with respect to the 10th clause. A great deal had been said as to the importance of increasing the number of Bishops. But, if the matter was so important, then it would be necessary to go a little further than was proposed by this Bill, and not to leave it to individual benevolence to found the sees that might be required. There were public funds under the control of the Ecclesiastical Commissioners which might not improperly be applied to this purpose; but the 10th clause made it impossible that the funds now in hand, or any that might in future be ac-

quired, should be so applied. He would mention how the case stood with regard to the see over which he presided. Their Lordships would remember that of late the plan of granting a renewal of leases with fines had been discontinued, and when the time came that the leases at present existing should have expired a very large sum must accrue to the Commissioners in respect of the see of London. Now, it appeared to him wrong that it should be made impossible that those funds, however much they might increase in the hands of the Ecclesiastical Commissioners, should be applied to episcopal purposes. What was true of the see of London was true also of Canterbury and other sees; and therefore if the Bill should go into Committee he would venture to move a separate clause that the funds arising from episcopal estates might be applied to the creation of new sees.

LORD STANLEY OF ALDERLEY dissented from the Bill. He saw no reason why if in any particular diocese the Bishop was overworked a suffragan Bishop might not be appointed to assist him. One of his great objections to this Bill was that it limited to the Ecclesiastical Commissioners the right to take the initiative and to determine whether there should be additional Bishops or not. He objected to any measure for additional Bishops which was not framed upon the responsibility of the Ministers of the Crown and which did not go through both Houses of Parliament before it could come into effect. In this Bill there was no provision whatever for obtaining the assent of Parliament to the creation of the new Bishops which the Ecclesiastical Commissioners might think necessary.

LORD LYTTTELTON said, that he had stated that he had no objection to introduce a clause making the creation of any new see dependent on the approval of Parliament; but he should object to the appointment of suffragan Bishops unless they were permanently attached to the dioceses where their services were required.

LORD STANLEY OF ALDERLEY was not aware that there was any great necessity for such a measure as that proposed. There was no doubt a greater amount of labour required for confirmations now than formerly; but other means might be taken to give relief in that respect without resorting to an increase of the episcopate. He therefore objected to the Bill.

THE EARL OF HARROWBY said, that it was quite impossible that any man not endowed with supernatural powers could adequately discharge all the duties which such a diocese as London, and others similarly constituted, imposed upon the Bishop. And yet there were difficulties and inconveniences in any subdivision that might be attempted—though those difficulties might, perhaps, be obviated by the creation of suffragan Bishops. If the right rev. Prelate the Bishop of London had two or three suffragan Bishops to aid him in the discharge of some of his duties, such as confirmations, his labours would be greatly lightened. He could not agree, however, with the noble Lord (Lord Stanley of Alderley) who thought that the appointment of suffragan Bishops would altogether supersede the necessity for the creation of additional Bishops. He did not think that the objection raised by his noble Friend to the form of the Bill was a very strong one. The Bill did point out three distinct funds that ought to be dealt with. He considered that their Lordships were greatly indebted to his noble Friend both for the measure itself and the manner in which it had been introduced.

EARL RUSSELL wished to say a few words on this subject. He had himself, when formerly in office, advised the Crown to issue a Commission with reference to the expediency of an increase of the episcopate. He thought the question of the creation of a new see should not be left to the discretion of the Ecclesiastical Commission, even with the subsequent sanction of Parliament. The proper course would be that the Commissioners should make a representation of the necessity of such new see to the Crown, and the Ministers should then present a measure to Parliament on their responsibility.

THE EARL OF DERBY said, he did not understand the Bill to provide that the Ecclesiastical Commissioners should propose the creation of a new see to Parliament. He had on several occasions voted in favour of a similar Bill to that of the noble Baron (Lord Lyttelton), and he felt it was impossible to deny the amount of spiritual destitution which rendered an increase of the episcopate to the extent limited by this Bill highly desirable. He believed that there was in certain districts so large an amount of work that the Bishops could not perform it to their satisfaction, and that therefore it would be necessary to give them some assistance. It was

worthy of the consideration of his noble Friend whether he had properly worded the recital in the 1st clause of the Bill, which spoke of relieving the dioceses of London and Winchester, and the Archbishopric of Canterbury, but made no mention of the existing sees. With regard to suffragan Bishops, he was certainly of opinion that, though in some cases of Bishops being disabled by age or infirmity the assistance of suffragans was very desirable, yet he could not think their appointment could by any means be considered an efficient substitute for Bishops. The noble Baron suggested that the Bishop of London should have the power of employing three or four suffragan Bishops under him; but what would be their position? They would be to the Bishop what a curate was to the rector, and of course removable at the termination of each incumbency. They could not therefore have the same hold, control, or authority as a Bishop regularly constituted, with the cure of a regular diocese. But the noble Baron did not propose that these suffragan Bishops should be permanently attached to the diocese of London. If they were, a new Bishop might find suffragans in his diocese entirely at variance with his views. If appointed, they must be so, not with reference to any particular diocese or locality, but for the purpose of assisting this or that particular Bishop who might be disabled. In that case, suffragan Bishops might be exceedingly useful; but, he repeated, they could not be considered substitutes for what he believed to be essential, the daily growing want of an increase in the episcopate. With regard to the case of Rochester, nothing certainly could be more inconvenient than the extent and configuration of that diocese. The Bishop was placed at the extreme corner of it, removed from its more populous portions, and 300,000 souls were added to the cure of a diocese already too extensive. He would only add with reference to what had been said by the noble Earl opposite, that he was very glad to find he entertained the same views with regard to the increase of the episcopate which he did in 1847, and certainly the necessity for that increase was not less now than in that year. He could only say that while the details of this arrangement would properly be left to the Ecclesiastical Commissioners, yet there were cases in which they should not be taken as a mere question of form; but it would be the duty of the Minister of the

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Crown, previous to submitting it to the Queen in Council, to satisfy himself that the arrangement was such as he could justify.

THE BISHOP OF OXFORD hoped his noble Friend would adhere to his resolution of not including the appointment of suffragan Bishops within the provisions of the Bill. It would be a serious thing to introduce a new course of legislation in this very difficult question. The question of suffragan Bishops was perfectly distinct from the question of increasing the episcopate, and he should be quite unable to support that part of the Bill which dealt with the suffragan Bishops. There was no foundation for such appointments. There could not, properly speaking, be any Bishop without a see to which he was consecrated, and consecrating a Bishop without a see would be a great anomaly, and very analogous to the existence of a man in this world without a body. He thought his noble Friend was quite right in not including the See of Winchester in his proposition, for he believed that all the Church people in Surrey would be exceedingly dissatisfied if Southwark were taken from that diocese.

LORD LYTTTELTON admitted the great difficulty of legislating on the subject of suffragan Bishops; and, while feeling bound to move in Committee that the clause relating thereto should be omitted, he would be ready to retain it in the Bill if the House should think that the provision ought to be adopted.

On Question, *agreed to*: Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 7, 1867.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee*—Galway Harbour.

Ordered—Registration of Voters*; Galway Harbour.*

First Reading—Registration of Voters* [136]; Galway Harbour (Composition of Debt)* [137].

Second Reading—Mixed Marriages* [120], debate adjourned.

Considered as amended—Customs and Inland Revenue* [113]; Metropolis Gas Bill [129], debate adjourned.

REVISION OF THE STATUTE LAW.

QUESTION.

MR. HADFIELD said, he would beg to ask Mr. Attorney General, Whether he intends to bring in a Bill this Session for promoting the Revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary, and in continuation of the Act 26 & 27 *Vict.* c. 125, which brought the Revision of Statutes to the end of the reign of James II?

THE ATTORNEY GENERAL said, in reply, that a revision of the statute law, with a view to the repeal of such statutes as had become obsolete or unnecessary, was being proceeded with under the direction of the Lord Chancellor, the revision taking up the period between the end of the reign of James II. and the 10th year of George III. The Bill prepared was in the hands of the Lord Chancellor, and would, he understood, be brought into the House of Lords in a few days.

CASE OF MR. H. D. GREY.

QUESTION.

MR. O'BEIRNE said, he rose to ask the President of the Board of Trade, Whether it is true that Mr. H. D. Grey, who lately held the appointment of Surveyor at Liverpool has been removed from that post to Plymouth; and, if it be so, whether he will state the reasons which have led to that removal?

MR. STEPHEN CAVE, in reply, said, the circumstances were these—until very recently there had been no resident surveyor under the Board of Trade at Plymouth. Complaints, however, had frequently been made of inconvenience resulting from the want of a surveyor always on the spot. The Board of Trade considered that these complaints were not without foundation. Accordingly, when the districts were re-arranged, it was determined to appoint a resident surveyor for Plymouth. Mr. Grey, the engineer surveyor at Liverpool, applied for the post. His application was granted, and he had accordingly been transferred from Liverpool to Plymouth at his own request.

IRELAND—DEATH SENTENCE FOR TREASON—FENIAN CONVICTS.

QUESTION.

MR. GILPIN said, he wished to ask the Chief Secretary for Ireland, If his attention has been called to the revolting

character of the sentence on the Fenian convicts, that in addition to the penalty of death by hanging, they are sentenced to be dragged on a hurdle to the place of execution, to be decapitated, and to have their bodies divided into four quarters and placed at the disposal of Her Majesty and Her Advisers; and, if the Law requires the passing of such a sentence; and, if so, if he will take an early opportunity of amending the Law in this respect?

LORD NAAS replied, that the sentence for treason was prescribed by 54 *Geo.* III. c. 146, and was in the words to which the hon. Gentleman had alluded, and that was the sentence lately pronounced by the Lord Chief Justice in Ireland. The Court had no option under the provisions of the statute to omit any portion of the sentence, and the same statute was in force in all parts of the United Kingdom. It was, however, in the power of the Crown to remit any portion of the sentence, and as he considered that no Government would authorize the execution of any criminal convicted of high treason in a mode different from other criminals, he saw no present necessity for any alteration of the law.

REPRESENTATION OF THE PEOPLE
BILL—CLAUSE 3—JOINT OCCUPIERS.

QUESTION.

SIR FRANCIS GOLDSMID said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it would not be the effect of the 3rd Clause of the Bill for amending the Representation of the People to enable any number of joint occupiers who may be rated and pay the rates in respect of any one house in a Borough to be registered as electors; and whether this operation of the Clause is in accordance with the intention of the Government?

THE CHANCELLOR OF THE EXCHEQUER: It is not, Sir, the intention of the Bill for the Amendment of the Representation of the People that any number of joint occupiers, as stated by the hon. Baronet, should be placed upon the register of electors. I think also that that will not be the effect of the Bill. Of course, if the hon. Baronet thinks otherwise, it will be quite open to him, if he feels it to be his duty, to bring the matter before the Committee when we may go into details upon the question which it would be inconvenient at this moment to do. Of course, we should be very happy if the

hon. Baronet would bring forward a proposition to remedy a result which certainly was not intended. There is no habitation franchise in the Bill; it is a residential franchise, and it is intended to give the franchise to every resident ratepaying master of a house; and therefore I do not think myself, and I am so advised, that the consequences contemplated by the hon. Baronet could accrue.

CAST IRON GUNS FOR AUSTRALIA.

QUESTION.

MR. HENRY BAILLIE said, he would beg to ask the Secretary of State for War, Upon whose recommendation cast-iron guns, tubed with wrought iron, are to be supplied to the Australian Government by the Elswick Ordnance Company, it having been stated by the Ordnance Select Committee that such guns are not suitable for the battering charges used by our service guns, and no such guns having been admitted into the British Service?

SIR JOHN PAKINGTON, in reply, said, it was not in his power to answer the Question. He was aware that the Government of Victoria had been very desirous to obtain guns in this country in order to put them on board a man-of-war supplied by the Admiralty to the colony. But they had not applied to the War Office for guns; they had proceeded to purchase by their own agent, and therefore he was, as he said, unable to answer the Question.

SCOTLAND—GUNPOWDER AT LEITH FORT AND BLACKNESS CASTLE.

QUESTION.

MR. MILLER said, he would beg to ask the Secretary of State for War, What quantity of Gunpowder is at present stored in Leith Fort; and, what progress has been made for the promised conversion of Blackness Castle into a storehouse for the powder at present in Leith Fort, and when it is probable that the transference may be made?

SIR JOHN PAKINGTON said, in reply, that the quantity of gunpowder now in store in Leith Fort was 250 barrels. With regard to Blackness Castle, there was a Vote proposed to be taken in the Estimates for the purpose, and when Parliament should have voted that sum the conversion would be proceeded with. The powder would be transferred as soon as the Castle was in a fit state to receive it.

The Chancellor of the Exchequer

THE CATTLE PLAGUE—FOREIGN CATTLE.—QUESTION.

LORD DUNKELLIN said, he wished to ask the Vice President of the Committee of Council on Education, Whether it be true that the Cattle Disease still exists to a considerable degree in Belgium, Holland, and other parts of the Continent whence Foreign Cattle are imported to our Coasts, and sent up to London by Railway; and whether, if such be the case, it would not be advisable to order such animals for the present to be slaughtered at the Ports at which they arrive?

LORD ROBERT MONTAGU said, in reply, that it was true that the cattle plague did exist in Friesland, Franconia, Belgium, Switzerland, and other places. The recent outbreak in the metropolis had been attributed to a cargo of white cattle from Austria; but, as it was impossible to obtain reliable evidence in such cases, the Inspectors were not able to satisfy themselves on the point. The Order in Council required that all foreign cattle should be slaughtered at the port of arrival; but exception was made in favour of the Metropolitan Market, for which cattle might be landed at Harwich, Southampton, and the port of London (which included the whole of the Thames), and might then be transferred by railway, under certain restrictions, to the metropolis; but, on the other hand, no cattle could leave the metropolis; and by that means the mixture of British and foreign cattle was prevented.

IRELAND—SEA COAST FISHERIES ANNUAL REPORT.—QUESTION.

MR. BLAKE said, he rose to ask the Secretary to the Treasury, If he can state when the Annual Report on the Irish Sea Coast Fisheries (which, in pursuance of Act of Parliament, ought to have been presented at the commencement of the Session), will be issued?

MR. HUNT replied that, as notice had only been given that morning, he had not had time to ascertain how the case stood; but he would make inquiry.

ROYAL COMMISSION ON RAILWAYS—REPORT.—QUESTION.

MR. BLAKE said, he would beg to ask the Secretary of State for the Home Department, Whether he has received the Report of the Royal Commission on Rail-

ways; and, if so, when it will be issued to Members?

MR. WALPOLE replied, that the Report of the Royal Commission was delivered at the Home Office late that afternoon, and he hoped that it would be laid on the table shortly.

IRELAND—DISTRESS IN CONEMARA.

QUESTION.

MR. G. MORRIS said, he wished to ask the Chief Secretary for Ireland, If any Report has been received by the Poor Law Commissioners of the existence of distress in Conemara; if so, has he any objection to lay such Report on the table, and state what steps have been taken in the matter?

LORD NAAS said, in reply, that he had received Reports from Poor Law Inspectors stating that there was reason to apprehend the possibility of a considerable degree of distress arising within the district of Conemara. That state of things had been brought about principally by the extreme inclemency and lateness of the spring, and by the poor people having been obliged to give to their cattle that provender which, on most occasions, would be reserved for themselves. The attention of the Government had been most carefully directed to all the circumstances of the case, and they had set on foot inquiries as to the steps that ought to be taken, in case the unfortunate prognostications which had reached them should be verified. He had no Report which he thought that he ought to lay on the table; but he would take care that the House was fully informed of the circumstances as they might arise.

ECCLESIASTICAL COMMISSIONERS — NON-CAPITULAR STIPENDS—DEAN AND CHAPTER OF WESTMINSTER.—

QUESTION.

MR. BENTINCK said, he wished to ask the Judge Advocate General, Why the Questions to be addressed by the Ecclesiastical Commissioners for England to the non-capitular Members of Cathedral and Collegiate Churches, relative to their claims to receive increased stipends under the provisions of the Act 29 & 30 *Vict.* c. 111. s. 18, have not been issued, and what is the cause of the delay which has occurred; and, when the scheme for the appropriation of the commutation payment to be made to the Dean and Chapter

of Westminster, upon the surrender of their estates to the Ecclesiastical Commissioners, will be laid upon the table of the House?

MR. MOWBRAY said, in reply, that the delay in the first case was occasioned by the printers, but he would promise to hasten them and give the desired information to the House. With respect to the latter part of the Question of the hon. Member, he had to say that the scheme referred to was not yet finally settled, as the preparation of the necessary schedule required much time; but as soon as the arrangement was completed, he would lay upon the table of the House all necessary information upon the subject.

NAVY—INCREASE OF PAY TO LABOURERS IN THE DOCKYARDS AND TO THE MARINES.—QUESTION.

MR. OTWAY said, he would beg to ask the First Lord of the Admiralty, When the small increase of pay promised to the Labourers in Her Majesty's Dockyards will be given to them; and, whether the Soldiers of the Royal Marines will be included in the proposed increase of pay to the Soldiers of the Army.

MR. CORRY replied, that the Navy Estimates providing for the pay of labourers and artificers were not yet sanctioned by that House; but it was proposed to give them the increase, and also arrears from the commencement of the financial year. As to including the Royal Marines in the proposed increase of pay to the soldiers of the Army, the latter had not yet been voted, but as soon as it was voted the pay of the Royal Marines would be considered by the Admiralty. It had always been usual to adopt the same rate of pay the same for the two branches of the service.

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE BILL.

QUESTION.

MR. GLADSTONE: Sir, having carefully read the Amendments which the Chancellor of the Exchequer has laid upon the table with reference to the 34th clause of the Representation of the People Bill, I am still unable clearly to follow the intentions of the Government. I therefore wish to put some Questions to the right hon. Gentleman, and I will read them to him now, so that he may answer them at once or on Thursday as he thinks

fit. The first Question I put to the right hon. Gentleman yesterday; but, as he appeared to have some doubt about the point raised by it at that time, I will repeat it. The first Question, then, is as to whether, under the law as it will stand if the present proposals of the Government shall be adopted, the compound-householder at and above £10 will be enabled to come and continue upon the register without ceasing to be a compound-householder; then, whether, in the event of his paying, in pursuance of his claim, any rate due in respect of his premises, will he be entitled to deduct from the rent the sum so paid from the amount payable by him to his landlord? I am not quite clear, on examining the clause, whether the power given to the compound-householder below £10 extends to those above. Then, I wish to know what is the meaning of the words in the fourth proposed Amendment to Clause 34—"rates due in respect of the premises;" and in cases where the owner has already paid the composition rate, will the occupier claiming to be enfranchised be liable to pay the difference between the composition and the full rate? I hope I have clearly expressed myself in these Questions, and I trust the right hon. Gentleman will candidly answer them. I will put another Question with reference to the point raised in the proceedings last night as to the effect of the vote at which the House arrived, and that is as to whether by the terms of the 3rd clause, requiring that the person to be registered shall have been a compound-occupier for twelve months, it is intended to require that he should have resided there during these twelve months. I presume that is the case; and at any rate, there is some doubt about it; and as it should be made clear, I will put the Question on Thursday.

THE CHANCELLOR OF THE EXCHEQUER was understood to intimate that he would prefer giving an answer on Thursday.

PUBLIC RIGHT IN THE PARKS.

QUESTION.

MR. LOWE: I desire, Sir, to put a Question to my right hon. Friend the Secretary of State for the Home Department, and must apologize for not having given him notice of my intention. There appeared in *The Times* of yesterday a document purporting to be a legal opinion given by Sir Hugh Cairns and Mr. Bovill

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to the Government as to the right of meeting in Hyde Park. It was dated July, 1866; the day of the riot in Hyde Park was the 27th of July, 1866. The Question I wish to ask is, Whether the Government was in possession of that document before the day of the riot in Hyde Park?

MR. WALPOLE: As it is a Question of dates, will the right hon. Gentleman allow me to answer it on Thursday, in order that I may be correct?

ESTABLISHED CHURCH (IRELAND).

RESOLUTION.

SIR JOHN GRAY, in rising to move—

"That this House will, on Wednesday the 29th day of this instant May, resolve itself into a Committee to consider the Temporalities and Privileges of the Established Church in Ireland,"

said: Sir, I regret that it again devolves upon me to bring forward the subject of the Church as by law established in Ireland. But I hope I may not unreasonably assume that the House will feel that the time has come when the people of Ireland may expect that, in justice to its own character, in justice to the honour of this great Empire, the House should distinctly express their opinion upon it. I trust, Sir, that whatever opinion the House is determined to express, it will express it in a manner that will leave no doubt as to its meaning—that there will be no uncertain utterance—that whatever opinion is given expression to will before long become a matter of practical action, and that the House will rapidly proceed to settle this long-vexed question upon a broad and comprehensive basis, settling it once and for ever. It is now, Sir, nearly thirty-three years since this question was practically taken up by a powerful party in this country—a party the names of whose leaders have since become national property—and I am bound to say, on looking back to the manner in which it was then taken up, that much consideration must be shown and much allowance must be made for the peculiar circumstances of the time, and that if we are now disposed to look upon the proceedings of that party at that period as indicating a smallness of grasp, we will be prepared to make allowance for the difficulties with which they had to contend, rather than be disposed to charge them with insincerity or want of zeal. But, Sir, it is to be regretted when they did take up the question, and when they asked for a small and moderate reform—that when they met with the first diffi-

culty which stood in their way they weakly abandoned the subject. It would seem as if the leaders at both sides of the House shrunk from dealing with this question, which is, no doubt, one of peculiar difficulty—it would seem as if they were anxious to avoid dealing with it at all. The leaders on the other side of the House do not seem disposed to take it up, possibly because they feel that they are too short a time in office. The leaders upon this side of the House do not seem disposed to take it up, possibly because they feel that they are too short a time in opposition; and thus between the unwillingness of those who feel that they are too short a time in power, and those who feel that they are not long enough out of office, the question has been placed in abeyance; and though on both sides the position of the Church must have been long since and often carefully considered, the great probability is that both sides have placed the Irish Church question, carefully sealed and labelled, in some of those musty pigeon-holes of which we have heard so much during recent debates. It therefore devolves upon unofficial and independent Members sitting below the gangway to endeavour to draw those documents out of the pigeon-holes, and to put the matter plainly before the House, asking the House, for its own credit sake, and for the safety and well-being of the country—if the leaders at either side will not take it up—to take it up for them, and finally and for ever to settle it. I was, Sir, through the indulgence and forbearance of the House, allowed, on a recent occasion, to enter very largely both into the financial and historical details of this question, with a view to place its past action and its present condition fully before the then newly assembled Parliament. There were many reasons why I felt desirous to take that course. A principal reason was this, that immediately after notice had been given for bringing the question under the consideration of the House, a large number of publications were issued from the press of both countries advocating the Established Church in Ireland, taking the Church view of the question, and endeavouring to sustain the principle that the present emoluments and privileges enjoyed by that Church should be continued and maintained intact. I then thought it necessary, after consulting with some of my Friends, to trespass somewhat more largely on the patience of the

House than was perhaps fair or reasonable, in order to anticipate the arguments to be put forward in defence of the Church. For the indulgence kindly granted to me on that occasion I feel a deep sense of gratitude, and I think I shall best evince that gratitude by avoiding as much as possible the details which I then brought forward, and going at once to the deductions to be drawn for them, asking the House, dealing with those deductions, to say whether there is not a case for adopting the Resolution I submit, and going into Committee to consider the whole question. Sir, perhaps the House will permit me to recapitulate in a very few sentences the deductions which I think are reasonably to be drawn from the details, both financial and otherwise, to which I have referred. They have never been answered or attempted to be answered. I think we cannot fail to arrive at the conclusion from these details that the Church Establishment was legalized in Ireland before a Protestant congregation existed in that country. They also, I think, establish the fact that the endowments belonging to the ancient Church of Ireland were allocated to the newly Established Church before one single Protestant sermon by either Bishop or minor ecclesiastic had been delivered to a thoroughly Protestant audience in Ireland. I think they further led to the conclusion that that Establishment was planted in Ireland under the guns of a conquering race—a great powerful race—a race that all who come in contact with must respect for its intellectual, its physical, and its great moral qualities. But still it was a conquering race in Ireland, and it was under the guns of that race that the Church as now established was first planted in that land, and by the soldiery and by the power of that race it is still maintained in its position in that kingdom. I think there will be no difficulty also in admitting that those details show that the Nonconforming Catholics in Ireland had their lands and their property confiscated; that they had their liberties annihilated; that they were denied education; that they were shut out from civil offices, from the army, from the navy, and from all professions; that they were not allowed in the municipal towns to become apprentices to trades; and that they were not allowed in the rural district to become leaseholders or proper farmers of land. Under such circumstances, the House would not be surprised—such being the manner in which

that Church was established—such being the manner in which that Church was maintained—that 88 per cent of the population were discovered at the last census to be Nonconformists to that Church, and that the small remnant only of the population were in apparent conformity to the practices of the Establishment. Now, Sir, such was the Church—such is the Church as established by law in Ireland—and this House will have to determine very shortly—much more shortly, perhaps, than some hon. Members imagine—whether or not you will maintain that Church in its present position for the future. Sir, the greatest statesmen, the most brilliant orators of this nation, have described that Church as unjust, as unholy, and as altogether indefensible, because of the political persecution and the arbitrary power which was used for the purpose of planting and maintaining it. During the thirty-three years to which I have alluded the Irish people have been amused by a repetition of the utterances of those great men. They have been told from those Benches—not often from the Benches opposite—and in language which went home to their hearts, of the evils which that Church had inflicted; but, although told so in words, no real, no substantial, no practical effort was made from either Bench to put an end to the evils so well and forcibly described. Sir, it is not my intention to trespass at any length upon the patience of the House; but I hope it will permit me to repeat a few sentences which will briefly express and indicate what the opinions I have referred to are. Lord Brougham said of the Church that it was the foulest practical abuse that ever existed in any civilized country. Lord Grey spoke of it thus—“Nothing like them”—meaning the abuses arising from the establishment of that Church—“have ever been known in any country in the world.” Sidney Smith, speaking of it, said—

“There is no abuse like it in all Europe, in all the discovered parts of Africa, in all we have heard of Timbuctoo.”

Lord Campbell, having reviewed its past career in Ireland, said that it was “one of the most mischievous institutions in the world.” I will not multiply quotations. It would be unduly trespassing upon the indulgence you have granted me; but I may say that Lord Althorp, Hallam, the great constitutional historian; Macaulay, Burke, Plunket, Grattan, each of them

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have described in nearly similar, strong, and energetic language, the evils resulting to Ireland from that Church, and the unjust grounds upon which it was based and maintained. Some of these distinguished men whom I have named went for reform, others went for total abolition; but all of them admitted and declared that it was one of the chief grievances of Ireland imposed by this country, and a grievance which it was the paramount duty of the people of this country to remove. If, then, the leading statesmen of this country, if the men who held the highest offices and position in the State—if the men who were most respected and best recognised as the Leaders of the great Liberal party have uttered these opinions, and have sincerely held them, how does it come that this large, this grave, this most grave question—this most important and comprehensive question, connected with the Government of Ireland by England, is not taken up by one of the Leaders at one side or other of the House, but is left to us below the gangway to endeavour to drag from them some expression of opinion, and to get from the House some indication of the course which should be adopted in reference to it? Do the Leaders mean to intimate to us who sit below the gangway that we are to get up an agitation somewhat analogous to the angry agitation which carried Catholic Emancipation; or like that free trade agitation, whereby the removal of a tax on the people's food was practically carried by men who sat below the gangway before the doctrine was accepted on the Treasury Bench? I hope, Sir, that that is not the course which either party intend we should adopt. I hope it is not the course which is resolved on by Government now in power; I sincerely hope it is not the course resolved on by the leaders of the Opposition. I wish to say a word of warning to both parties, and it is in a kindly and friendly spirit I offer the warning. Although the rival leaders may be inactive, and continue to be inactive, there are those outside who are moving, and this question, I tell them, must be taken up and must be settled. Sir, I do not mean to indicate the details of a settlement or the mode in which the question can be best settled. That will be the duty of the House in Committee—it is certainly not the duty of a private Member. One thing, however, I will point out, and it is this:—That there is one basis which can alone be recognised

as the basis of a settlement—namely, the principle of perfect religious equality between all sections of Her Majesty's subjects. A distinguished statesman now no more—the mention of whose name is certain to elicit an expression of deep regret at his loss—I mean Sir George Lewis—stated, in one of his most recently edited publications, that—

“No improvements in the material economy of the Established Church, in the distribution of its revenues, or the discipline of its clergy, tend to lessen the sense of grievance arising from this source; the objection is of principle, not of degree, and nothing short of perfect equality in the treatment of all religious sects will satisfy the persons whose discontentment springs from this source. The effect of the reference in question is that the whole body of the Roman Catholics in Ireland are more or less alienated from the Government, the author of their wrong, and filled with jealousy and ill-will towards the more favoured Protestants.”

I trust that that sentiment so well, so clearly, so reasonably, so inoffensively expressed by Sir George Lewis, will receive from all sides of the House the hearty approval which I was glad to hear it received on this. Sir, I alluded, in the earlier portion of my observations, to the fact that thirty-three years since an effort was made to do something towards reforming the Established Church and lessening the asperities which it produces in Ireland. That effort was made in 1834—at a time when there was great agitation in Ireland, and much anxiety in this House, as to the possible result of that agitation. At that period a compact was entered into between this House, the House of Lords, and the then reigning Sovereign. That compact was distinctly stated by the late Premier, then Lord John Russell, to be a compact between the three Estates, King, Lords, and Commons, that this great Irish grievance should at once be redressed. In pursuance of that compact efforts were made in this House, and made successfully so far as they went; the compact was remembered by those who entered into it, but remembered only for a very short time. Like the compact entered into by Pitt in 1800 to obtain emancipation for the Irish Catholics, it was feebly attempted to be carried out, and on the first appearance of difficulties was as feebly abandoned, and never since resumed. Well, what has been the result? Have we had peace in Ireland? Have we had prosperity? Have we had contentment? Do we not all know that since the period, when the carrying out of that compact was

abandoned, we have had to encounter two revolutionary movements in Ireland, and at this moment we have all the paraphernalia of State trials in action there. We have the hangman's rope called into requisition; we have the headsman's axe about to be used, and a special presentation to Her Majesty—pursuant to solemn sentence—of four human quarters to be placed at Her disposal. Sir, these are the results. These are the consequences of neglect to carry out the compact entered into between the King, Lords, and Commons, for the immediate and perfect redress of the grievance of which the people of Ireland then and now complain. I have undertaken, Sir, not to enter into the details which the House generously allowed me to lay before them last Session; but I am anxious to place one or two points prominently before the House. The rule of re-organizing the Church of the people of the country is acted on in every portion of the Empire save Ireland alone. Scotland has an Established Church, but the Established Church there is Presbyterian—the church of the majority. England has an Established Church—the Episcopalian Protestant Church—the church of the majority. In Lower Canada the majority are Roman Catholic, and there the Catholic Church is fully recognised. In Malta, where Catholics are a majority, the Catholic Church is established. If you go to India, or any of your dependencies, you will find that Hindooism, Mahomedanism, every form of idolatry is recognised, while it is sought by law to trample out Catholicity in Ireland. In Ireland alone is the Church of the people ignored. The church of the rich is Established—a church for the rich paid for by the poor, who are left to pay for their own church as well. The Church Establishment in Ireland has been again and again called the church of the rich. It has been even boasted in this House that the Church in Ireland numbered among its members all the wealthy inhabitants of the country, and that it is maintained by them. I was reading a recently published book on the subject, in which this theory was referred to by a distinguished member of the judicial bench, the Lord Chief Justice of the Queen's Bench, who so long and so honourably occupied a seat in this House, and whose absence we all deplore on such an occasion as this. It was stated by him—[Mr. BRIGHT: Who?]
—Mr. Whiteside,

that £400,000 of the tithes annually paid in Ireland was contributed by the Protestant landed aristocracy, and that only £30,000 of the tithes paid in Ireland was paid by the Roman Catholics, and that therefore the Catholics had no just cause of complaint. In the census of Ireland it was shown that there were 8,412 landowners in Ireland. In a book recently published it is computed that the number of landowners in Ireland who belong to the Established Church is 7,000 ; but I think a more careful analysis shows that that is not quite right, and probably the analysis made by the Rev. Mr. Hume, a Protestant clergyman in Liverpool, who has made a great reputation as a statistician, and has published a book on the subject of the statistics of the Established Church in Ireland, may be accepted as much nearer the truth. Mr. Hume sets down the number of Catholics at 42 per cent, which would represent 3,554 Roman Catholic landowners in Ireland, and 4,884 Protestant landowners in Ireland. I have taken those figures from Mr. Hume's book for the purpose of placing one fact prominently before the House. Nearly all the clergy of the Established Church are, directly or indirectly, connected with, and generally spring from, the owners of land in Ireland. It may be stated, as a matter of fact, that nearly all the clergy of the Established Church, with some very few exceptions, are the sons of landowners in Ireland, and that most of them are the sons of the landed gentry in Ireland. This gives a remarkable illustration of the position of the Church in Ireland in relation to the landed gentry in Ireland. Now, 4,884 landowners in Ireland of the Protestant persuasion represent so many heads of families ; and if you divide the whole of the revenue of the Church by that number of 4,884, you will find that the Protestant landowners in Ireland have a direct special vested interest in the Church to the extent of £163 per landowning family per annum. The result of that state of things is that there is a most rigorous opposition on the part of the landed gentry in Ireland to this question being properly settled. It is even stated that many of the large properties of the landowning families in Ireland have been created out of the funds of the Church. Churchmen have first acquired considerable properties in the Church. Thus families have been founded, and then each

family in return maintains the Church for those who are to come after them. I will not enter into that vicious circle. Any person who examines the condition of Ireland will see that this condition of affairs produces feelings and sympathies which mutually act and react upon one another. The landed gentry have £163 per head of each family as their direct personal interest in maintaining the Church ; and it has been shown by statistics that all the leading Protestant ecclesiastics in Ireland have become founders of families ; that they have been enriched and become opulent out of the funds diverted from a more numerous people, the Catholic people of Ireland, to the few Protestant ecclesiastics who are in the sole enjoyment of this wealth. Some difference of opinion exists with regard to the actual amount of revenue of the Church in Ireland. Some have set down £586,000, some £633,000, and others, again, £700,000, as the actual gross revenue. Now, all that money is absorbed by less than one-twelfth of the population. And what do we find as the result of this distribution of the public funds, of all the ecclesiastical funds of the nation being given to this small minority ? They are not disposed to do one single thing for themselves. The very necessities for the celebration of Divine service are paid for by the State to the extent of £6,700 a year. The clerks are paid for ; the sextons who bury them are paid for ; the organist is paid for ; the organ blower is paid for ; the tuner of the organ is paid for ; the very fuel that is used to keep the Churches aired is paid for by the State ; and the rich landowners who boast that they pay £400,000 per annum in tithes, whilst the Catholics pay only £30,000 per annum in tithes, will not supply themselves out of their private purses with even a brush to sweep their own churches and keep the cobwebs from accumulating in their pews. The items I have enumerated are all paid for, not by the worshippers in the several Churches, but by the distributors of the public fund, and the annual Report shows that the cost amounts to £36,146 a year. The social effects produced in Ireland by the ascendancy of the State Church are very disastrous in their influence on the Irish people. I have taken thirteen counties, three from the province of Ulster, three from the province of Munster, four from the province of Leinster, and three from the province of Connaught.

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These represent in the aggregate a Catholic population of 78·8 per cent, and the total Catholic population of Ireland is 77 per cent, thus showing how fairly the population of these thirteen counties represents the population of the entire island. What is the state of affairs with respect to the public offices in these thirteen counties? Why, that every single lord-lieutenant or governor of a county is a Protestant, and that not one is a Catholic. There are altogether 2,586 offices held in these counties by Protestants, whilst there are only 700 held by Catholics. There are not less than 1,402 magistrates who are Protestants, and only 306 Catholics. And whilst there are 221 deputy-lieutenants, there are only 43 who are Catholics. When, however, we turn to another class of the population—to men who acquire their positions by intellectual work—when we turn to the bar, we find their trammels being removed, that the Catholic members of the bar take the first places in common with their Protestant brother barristers. At this very moment the larger proportion of the Judges of Ireland are Catholics; and by a recent act of the Gentlemen sitting on the opposite side of the House they have converted the Court of Common Pleas into a court which is generally known in the Four Courts now as the Court of the Holy See, no Protestant having a seat on the bench of that court. The question will naturally arise, what is the nature and character of that proposition which I have to submit to the House? The Resolution which I propose is, that the House should go into Committee to consider the whole question of the revenues of the Established Church in Ireland, and the whole question of the privileges of that Church, without pledging the House, however, to any particular course—without pledging it to any particular mode of settling the question, but merely pledging the House to go into Committee for the purpose of considering the whole case. I feel that I should not be doing justice to the Resolution if I did not bring under the notice of the Members of this House—if they will kindly give me permission to do so, and I promise to do it briefly—some of the facts which indicate the state of Protestant opinion in Ireland on the subject. Within the last six months a very remarkable book has been published in Ireland by Messrs. Hodges and Smith, the publishers to the University of Dublin. That book contains

five Essays; two written by one clergyman, and the other three by three other clergymen. The writers are all men of high position in Ireland, holding indeed a remarkable position in connection with the settlement of the question of the Irish Church. These gentlemen have prepared each an Essay—one of them have written two, as I said—all of which deal with the question of the necessity of some settlement being arrived at in reference to the present Church Establishment. The name of one of those gentlemen is familiar to all who take any interest in the Church question in Ireland, or who have publications which have been circulated in this country on the subject, for the purpose of persuading English Churchmen that the Irish Church question and the English Church question are one and the same. This rev. gentleman, the Rev. Dr. Lee, a rural dean of the diocese of Clogher, often does me the honour of making me the subject of comment in some of his publications; but I do not complain of that, though perhaps he has often given me just cause of complaint. He takes a deep interest in the Irish Church revenues; and was, because of his publications, recently put forward by the Church party as their candidate for a vacant bishopric. Scarcely a month passes that some remarkable publication on the subject from his pen is not issued; and with the permission of the House I will read eight or ten lines from his last publication, entitled *The Irish Church; its Present Condition and Future Prospects* :—

“The Irish Church question cannot long remain in the position which it now occupies; neither is it desirable for the Church’s sake that it should do so. It must be determined in one way or the other, and the settlement when it comes should, as far as possible, be final.”

Especially I would ask hon. Gentlemen opposite to remark the following quotation :—

“It is most injurious to the interests of the community that such a fundamental question should be left in a state of uncertainty. It keeps agitation alive, while it distracts the attention and weakens the energy of the clergy.”

Here, then, we have the authority of one of the most remarkable, certainly the most prolific and self-support advocate of the Church Establishment in Ireland, for stating that it is to the detriment of the Church that this question should not be settled. He tells you that it is to the detriment of the Church that it should not be settled promptly and finally—settled so compre-

hensively that there shall be no re-opening of it again; and he tells you also that the effect of leaving it unsettled, and keeping it in that condition, "distracts the attention" of the clergy, and "weakens their energies" for carrying on the natural and proper functions of their office as clergymen. Of a different character is another extract which I will read to the House from a venerable Dean of the Church Establishment in Ireland—I allude to the Rev. William Atkins, the Dean of Ferns. He deals very largely in his pamphlet with the whole question of the Church, and the necessity of having something done to get rid of its present anomalies, and those cases of scandal which, he says, arise from the agitation within and without this House, and here is his description of his own condition. He says—

"I am a Dean, therefore, without a Cathedral. I have no title either to the ruin of St. Aidan's Chapel or to the modern building at Ferns, and as to the duty of mine office, I was once summoned to a provincial synod, when I made my bow respectfully to my Metropolitan, but not a word was spoken, not a particle of business was transacted. Once also it happened during the three years that I have enjoyed this sinecure office that I was asked to attach the seal of the Dean and Chapter of Ferns to a deed that was valid as an act of council, I firmly believe, whether I put the seal to it or not."

Such is the description by the Dean of Ferns of his own condition in the year 1866. One of the clergymen who published the Essays to which I have adverted wrote a small pamphlet, which he addressed to the Leader of the Opposition in this House. In that pamphlet he enters largely into the several modes which have been suggested for settling the Church question, and his suggestion is—I speak of the Dean of Clonfert, the very Rev. Dr. Byrne—that the State should give an endowment equivalent in amount to the endowment now enjoyed by the Church Establishment to the Roman Catholic Church in Ireland. His words are—

"But what would be the inequality if the Roman Catholic Priesthood were in the assured possession of an endowment equal to the Ecclesiastical income of the established clergy? For less could hardly be offered to them than the very modest sum to which this on an average amounts."

I have thus placed before the House, I think clearly, the views of some of the leading minds in the Establishment, and of the leading clergymen who have directed their attention to the subject. I now ask permission to call the attention of the House to a still more remarkable

publication—a publication by the Venerable Bishop of Down, Connor, and Drogheda, the Honourable and Right Rev. Dr. Knox. This publication is dated from the Palace at Holywood, Belfast, February 1867, and I will read a short extract from it to the House. The Bishop says—

"As I showed in my speech (referring to a speech which he made in the other House of Parliament), there were in the Irish Church 'anomalies calling for redress and endowments requiring re-adjustment.' I annex a synoptical table carefully prepared by the Venerable the Archdeacon of Connor, which to every unprejudiced mind will bear out the truth of my remarks, and I trust lead all the real friends of the Church to desire that those abuses should be redressed, the first step to which is full and accurate information from reliable sources, which I in part endeavoured to procure, but which a short-sighted policy, no doubt conscientiously, but in my judgment most unwisely, succeeded in preventing my obtaining."

This table shows the extraordinary fact that there are in Ireland 114 parishes, being one-thirteenth of the whole parochial area of Ireland. Assuming each parish to be of the same extent, and that the total number of Church of England Protestants in these 114 parishes amounts upon the average to fourteen individuals per parish. [Mr. BRIGHT: That includes the parson, I suppose.] My valued friend says that that includes the families of the parsons, and we know that, generally speaking, they are not of the smallest. But it also includes the families of the clerks and of the sextons, and if we take the number of each family at five, I leave hon. Members to consider how many out of the fourteen there would be left if we deducted five for the incumbent, and five each for the other paid officials—the clerk and the sexton. Taking, however, the Bishop's own figures, the amount per head for each of these persons in these 114 parishes is £11 15s. 9d., and this is the sum paid by the State, giving a total of £58 18s. 9d. to each family in these 114 parishes of Ireland, including the three official families. But even this sum does not represent the real cost, it only represents the net average sum received by the incumbent, after making all deductions, and these deductions include whatever is paid to the Ecclesiastical Commissioners, whatever is paid to the curate, and for occasional duty, and some other charges. Therefore, the absolute sum paid—the gross amount by the public for each of these parishes—is £290, and if we deduct the family of the incumbent who

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receives it, and of the clerk who is paid for saying "amen," there is actually £290 a year paid by the public for the one remaining family, which may be the sexton's family. In such a state of things as this I think the House will scarcely refuse to go into Committee on the subject. Some Members of this House have a strong objection to the voluntary principle. Irish Conservative Members think Protestantism would die out if left unsupported by the State; but I would ask these Gentlemen, who are acquainted with Ireland, is there not such a church in Dublin as the Bethesda Church? Is there not the Trinity Church; the church connected with the Magdalen Asylum; the church connected with the Molyneux Asylum; Harold's Cross Church; Sandford Church; and the Rev. Maurice Day's Church; and several others of the same class. These churches give accommodation to one-half of the Protestant population of Dublin, and all these churches are supported upon the purely voluntary principle, and these very churches have recently given three Bishops to the Protestant Establishment. One of the most remarkable illustrations of what might be effected by the voluntary system has been readily afforded by the manifest conduct of my respected Friend the hon. Baronet the representative of Dublin (Sir Benjamin Lee Guinness). He has recently expended no less a sum than £130,000 out of his private purse for the renovation of one of the ancient cathedrals of Dublin. We may not find many such men who are able to afford such munificence; but there are many men of moderate fortune who would be proportionably liberal if this House would consent to allow the Established Church to rely upon the voluntary efforts of those parties who receive the benefit of its instruction. I think there are abundance of means, and open and generous hearts to distribute those means in a suitable and proper manner. If the doctrines of the Church be true, its members ought to rely on their truth for this support. The hon. Member for Longford (Mr. O'Reilly), in a recent publication, has shown the sums expended within the last sixty years by the poorer Roman Catholic population of Ireland, and I find that they spent £3,061,000 upon 1,805 churches. They built 217 convents at a cost of £1,058,000. They gave to forty colleges and seminaries £308,000, and they built forty-four hospitals, asylums, and refuges

for the poor, on which they expended £147,000, making in the aggregate a total sum expended of £4,575,000, all the produce of voluntary contributions. Those persons did not belong to the aristocracy or the landed gentry, but were of the poorer classes, and they gave this out of their means to the fabrics of their Church and its institutions in addition to supporting the clergymen of that Church in respectability and comfort. Why have not the rich—the aristocracy—the landed gentry equal faith in this Church, and equally liberal hearts to administer to its support instead of demanding that the Catholic public shall build their churches, pay their clerics, their sextons, and their grave-diggers, and even supply fuel to keep them aired? I feel that I have trespassed even longer than I intended upon the patience of the House. ["No, no!"] I have put the naked facts before hon. Gentlemen, and I ask on these facts to sanction the Resolution which I move. That Resolution is simply to go into Committee to consider the question. I do not ask the House to adopt the voluntary principle in which I am myself a firm believer, and my Resolution is one not in favour of a general endowment system. It does not ask for £1 per head for the Catholics as the equivalent of the sum now given to the Episcopalian Protestants. It simply asks that the House will redeem its pledge by settling the question on the basis of perfect equality. Let me ask, will the House endeavour to set itself right before England and Ireland upon this subject? Will it set itself right with the Protestant Bishop of Connor and Down? Will it set itself right with the eminent gentlemen whose pamphlets I have quoted? Will it go into Committee to examine the merits of this question, and upon that examination will it adopt one of these two principles? The great object this House ought to seek to attain is perfect equality between all sections of the community. I am in principle a voluntarist, as a member of the Church of England, but I do not ask this House to pledge itself to that principle. I only ask it to pledge itself to the principle that all parties shall be placed upon a system of perfect equality, no matter to what sect or religion they belong. I do not ask that there should be any ascendancy or any superiority. I only wish that Irishman may meet Irishman upon a platform of perfect equality. When in Committee, we can determine and settle

whether we are to obtain equality by leveling up or by leveling down. In conclusion, I will only add my solemn assurance that until there is perfect and absolute equality in Ireland there never will be contentment, and there ought not to be peace in that country. The hon. Member concluded by moving the Resolution of which he had given notice.

COLONEL GREVILLE - NUGENT, in seconding the Motion, said, he believed it to be hopeless to expect from the House, as it was now constituted, what could be considered a settlement of the question, which was one which affected the welfare of Ireland and the security of the Empire. It was a question of such vast importance that it ought to be undertaken by the Executive Government, and not by a private Member, and until that was done it never would be properly settled. It was the existence of this grievance and others that gave discontented agitators their influence over the people of Ireland, and if it were not for them their agitation would be without effect. For his part, he must say that the Established Church in Ireland was the most anomalous and the most unjust in the world. It was universally condemned on the Continent. Nothing like it ever existed in any other country, and certainly never would. He did not object to Protestant ascendancy in particular, but he objected to any ascendancy of a small number over an overwhelming majority of a nation. In Ireland the Established Church was the religion of a small minority, while the large majority were treated as a sect, forgetting it was the nation. And under such circumstances it ought not to be matter of surprise that permanent dissatisfaction and discontent existed in Ireland. They did not treat England and Scotland in the same manner; yet when they treated Ireland in a totally different manner from England and Scotland, they professed surprise at finding a totally different result. Let them treat Ireland as they treated England and Scotland, and they would find the people of Ireland as loyal and as desirous to uphold the laws of the country as the people of England and Scotland. When the laws were unjust the people would not respect or support them; make the law just, and the people would be on the side of the law. He did not attend public meetings in Ireland on the subject—he did not agitate; but as a magistrate he endeavoured to uphold the law. In that House, however, he felt it to be

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his duty to express his opinion. It was often said that the land in Ireland for the most part, belonged to Protestants; and therefore that it was right that the Established Church should be Protestant. But supposing the upper classes of this country were to become Roman Catholic, and to pass a law making the Romish Church the Established Church, what would the bulk of the nation say? Yet this would be in England precisely the position of the people in Ireland at present. In Ireland the landlords had churches and ministers provided by the State, they went into your parish church and there they would find a few of your neighbours; but just over the way was another church filled by their servants, and tradesmen, and labourers, who had to build for themselves and pay their minister. In point of fact, the ecclesiastical revenues, intended for the benefit of all, were appropriated to the exclusive advantage of the small minority, and the injustice was apparent to all. He could scarcely trust himself to speak on the subject. Such a state of things was intolerable; and as a Protestant of the Church of England living in Ireland, he felt bound to protest in the strongest manner against the continuance of this gross injustice. He agreed with his hon. Friend (Sir John Gray) that there never would be peace in Ireland—he believed there never would be security for the Empire in time of danger—while this abominable and monstrous injustice existed. He believed in the Protestant religion, and did not wish to see it placed in a false position. He would neither say nor do anything against the Established Church of England in England; but he did think that the maintenance of the branch of the Church of England, as it was called in Ireland, was most injurious to the Church of England herself, and a greater mistake could not be made than to endeavour to identify the interests of the Established Church of England with the interests of the Established Church in Ireland, and those who wished well for the Establishment here would do well not to present her in so unamiable, unjust, and injurious a light. Of late years there had been a great increase of taxation, and Ireland was told that she would be taxed equally with England and Scotland. But along with equality of burdens there should be an equality of privileges and an equality of rights. They began with imposing an equality of burdens on a poor country like Ireland, weighed down by a

variety of circumstances owing to English legislation in former times; but the equality of rights and privileges remained ungranted. Some remarkable words were uttered last year by the right hon. Gentleman the Member for South Lancashire (Mr. Gladstone). He said—

“There are many questions in regard to which in England, in Scotland, and in Ireland, the interests of England, or Scotland, or Ireland, predominate over those which are common. These are the questions which, when they relate to Ireland, I apprehend we ought to call Irish questions, and with respect to all questions that fall under that category we ought to apply the same principles on which we act in the other countries, not making the opinion of one country govern and rule the opinion of the others; but dealing with the subjects and interests of each as nearly as we can in accordance with the views and sentiments of the natives of that country.”

These were words which ought never to be lost sight of; and he believed that if the House would look upon this question, which was an Irish question, and regard it as the Irish did, and as the Scotch also looked at the question of an Established Church—if the House would only do that for Ireland which had been done for Scotland with such good results;—if they would only do that for Ireland which had been done for England, there would be peace, and contentment, and loyalty in Ireland. There was not a more generous people on the face of the earth. It was said they were difficult to manage; but human nature was pretty much the same all over the world. If men were ill-treated they would turn again; if well-treated, and if they had more confidence, they would in return give their sympathy and support. Then it was said, “It is all very well to say the Established Church is an injustice and ought to be abolished; but in what way are you going to do it?” To this he replied, “It is not the place of an independent Member to produce a remedy for an injustice.” The remedy must come from the Executive Government. It was sufficient for Members to place a grievance before Parliament, and to show its injustice and the wrong it inflicted on the people and the Empire at large. It was quite out of the question for an individual Member to produce the remedy, and he should not attempt the task, although he had his own ideas on the subject. He did not think that in this unreformed Parliament anything could be done with this Irish Church question. He supposed the House would be told that the Reform Bill would oc-

cupy too much of the time to permit this; but he rose to second the Resolution on the feeling that in so doing he was discharging a duty to the House, to his constituents, and to himself, in expressing the strong feeling which he entertained on the question.

Motion made, and Question proposed,

“That this House will, on Wednesday the 29th day of this instant May, resolve itself into a Committee to consider the Temporalities and Privileges of the Established Church in Ireland.”—
(*Sir John Gray.*)

SIR FREDERICK HEYGATE, in rising to move the Previous Question, said, that if any justification was required to his taking that course it was furnished by the statement of the hon. Member for Kilkenny. He had just complained to the House that he found it impossible to persuade any of the great statesmen on either side of the House to take up this question. Doubtless, they were fully convinced of the difficulties which surrounded the subject; and he would himself congratulate the hon. Member upon the changed tone in which he had this year brought forward the question. He had discovered that it was of no avail to make use of exaggerated statements to that House, but that the truth and real facts would make their way, and the case of the Irish Church would raise impartial consideration in the country. He (Sir Frederick Heygate) would remind the House that the right hon. Member for Oxford (Mr. Cardwell) and the late Chancellor of the Exchequer had last year stated that the Church of Ireland was not a new institution, but one that had existed for ages. He would add, that it was one intimately connected with the property and education of the country, and that if it had some anomalies they had been pretty closely scrutinized, and the Church itself had been subjected to the severest test of criticism. He did not stand up to defend anomalies; on the contrary, he believed that no one connected with that Church would object to a fair and impartial examination of the Church's position, if conducted by a Royal Commission, or by a competent tribunal, with a view to the correction of abuses and anomalies, and without having come to a foregone conclusion. He had himself paid a great deal of attention to this subject; and, upon examination, he found that the anomalies were much less than they were supposed, and admitted of an easy correc-

tion. However, considering the position of public business, that the House was engaged altering the Constitution of the country by a Reform Bill, that Ireland had hardly escaped from the throes of a rebellion, this was surely not the time when so serious a subject could be properly undertaken by the House. It should not be forgotten that in all the disloyalty that had prevailed during the last two years not one member of the Church of Ireland had been even suspected; but they formed, together with all that was respectable in property and education of the other religious denominations, that loyal class which constituted the real strength of the country. The hon. Member for Kilkenny addressed his Motion to the "temporalities and privileges" of the Church. With regard to the first, he had no objection to inquiry at the proper time; but as to the second, he could not comprehend what was intended by the word. He had also heard a great deal of Protestant ascendancy; but, though he had lived in Ireland fifteen years, he could not discover the signs of this obnoxious ascendancy. He observed Irishmen of all creeds exercising their religion with perfect freedom, possessed of equal civil and religious liberty, and the Roman Catholics were certainly on the Bench and in the Senate admitted to a fair share of those honours to which their ability and position at the bar and in the country entitled them. He rejoiced himself to see ability rewarded, without regard to religious distinction, and he had even himself endeavoured to act with perfect justice and impartiality to every religious denomination. But surely the House had enough on its hands at the present time; he observed no less than eight Bills before them, connected with religious and educational subjects, which surely ought to satisfy the hon. Member that the interests of Ireland were not neglected in that House. He had come to the question in which he totally disagreed with the hon. and gallant Member for Longford—namely, the necessity on the part of those who proposed to abolish the Church of being prepared with a scheme for the employment of its funds. He maintained that those who wished to tear up by the roots an institution that had lasted for ages were bound to provide a remedy. What, then, was to be done with the Church property? It would hardly be proposed to apply it to education, which was provided for al-

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ready out of Ireland's share of the Consolidated Fund; and, besides, there would arise at once questions and difficulties of a religious nature to this course. The landlords had no right or wish for it, and he had been always informed that Roman Catholics would be the last to desire to appropriate it. No one would propose to apply the funds of the Church to paying off the National Debt or to a purely secular purpose. What, then, was to be done with them? And this question must be answered before the House went further in this matter. He (Sir Frederick Heygate) did not intend to argue the matter upon the ground of the right of the Church to its property, although he held these rights to be undoubted, but rather upon these practical grounds upon which he thought this question would be ultimately decided. The title of the Church to its property had been so often and so exhaustively proved by the distinguished Member (Mr. Whiteside), now Chief Justice, and as his arguments remained in the pages of *Hansard*, he need not call them to the memory of the House. It had been said that the Church of Ireland was the Church of the minority, and should therefore cease to be the Established Church of the country. He repudiated such an argument, which, besides ignoring the existence of truth, was inconsistent with what prevailed in this country. In Wales, for example, the Dissenters outnumbered the Church; in Scotland he believed the Free Church was in excess of the Establishment; and in England itself, although the Church was far in excess of any other religious denomination, still it was stated that it was not a large majority of the whole population. He was especially astonished at the quotation given by the hon. and gallant Member for Longford from a speech of the right hon. Gentleman the Member for South Lancashire to the effect that, in matters of religious endowment, "regard ought to be had to the wishes of the natives of the country." This was a most remarkable argument, and in India would simply lead to the endowment of "Hindooism." The hon. and gallant Member for Longford had stated that he urged the Motion because he believed its adoption would tend to the promotion of religious peace in Ireland. Such a result might, or might not, be desirable; but he thought the abolition of the Established Church would be more likely to lead to renewed efforts at pro-

selytism, and that funds would publicly be collected in England and Scotland for the purpose of religious discussion. Religious equality was the favourite remedy proposed, but he would ask how far that was ever likely to be practised in Ireland; and in England the great object of the opponents of the Church really was the abolition of all religious endowments whatever. It was a mistake to imagine that the disturbances which had recently occurred in Ireland had for their origin religious grievances. It had been over and over again stated authoritatively that the Fenian movement had no connection with religion, and that the Fenians themselves, as a body, were dead to all religious considerations. He did not think it necessary to say anything in favour of the clergy of the Established Church in Ireland, because the fact that they had been subjected to so much abuse in that House, and that they had passed through the most searching inquiries without suffering from the ordeal, was testimony sufficient. There could be no doubt that, to the Irish themselves, the services of a body of men who resided among them—men of high motives and pure lives, who distributed their kindness and charity without attending to religious distinction—were of great value. In fact, the grievance was, he believed, one of purely English manufacture. He heard nothing about it in Ireland; but directly he came to England he was told that the Established Church in Ireland must be abolished. He warned the House that the destruction of the Irish Church, far from promoting peace and prosperity, would simply stir up religious strife and convert the whole country into a hot-bed of polemical discussion. In the place of existing institutions the hon. Member for Kilkenny urged the adoption of the voluntary system; but, although that system might be very valuable in large towns, it would, he thought, be found almost worthless in poor and remote country districts, where neither religion nor education was much regarded by the people. He believed that the Established Church of Ireland was one in which few abuses of a serious nature existed; that when those abuses could be detected they were capable of correction if inquired into in a calm and deliberate spirit—an object which he believed would in no way be thwarted by interested or private motives on the part of those concerned.

Whereupon *Previous Question* proposed, "That that Question be now put."—(Sir Frederick Heygate.)

MR. VANCE rose to second the Amendment. The hon. Member for Kilkenny had moved for a Committee of the Whole House to consider not only the temporalities but the privileges of the Irish Church, without stating what he assumed those privileges to be. He (Mr. Vance) considered that the undoubted privilege of the clergy was to inherit the property consecrated to their use, and to teach the pure doctrines of the Reformation in churches open to the rich and the poor of all denominations. The privilege of the laity is to hear those doctrines taught by educated and accomplished gentlemen who are enacted to do their duty independent of all prejudice or clamour. The proposition of the hon. Member for Kilkenny somewhat resembled one brought forward by Lord John Russell, who, in 1835, proposed that £200,000 of the property of the Established Church in Ireland should be allocated to purposes of education. The assumption on which this proposal was founded was incorrect, and the revenues of that Church had been largely over-estimated. Its gross income amounted to £586,000, and its net revenue £448,000—not more than was now received by a single nobleman in this country—and there were deductions which brought it down to a still lower sum. But at that time there were grave causes of discontent, which no longer existed. The tithes were collected in kind, and the Church Temporalities Act had only been passed a year or two—not long enough to allow of its coming satisfactorily into operation. But the case was at present entirely different. He should be glad to know what portion of the Church property the hon. Member for Kilkenny (Sir John Gray) proposed to confiscate. Did he propose to confiscate the glebe lands of Ulster—lands which had been devoted to Protestant purposes from the time when the plantation of the country was undertaken? Did he claim the Church lands? They were altogether out of the hon. Member's reach. The lands of the Church are not in the same condition they were at the time of Lord Russell's Motion. Four-fifths had been sold under the Church Temporalities Act; but did he wish to seize upon the tithes? They no longer existed—they had been commuted into the tithe rent-charge which amounted to £300,000, of

which £260,000 was paid to the Church by Protestant landlords, and the lay impropiators had all the rest. He presumed the hon. Member did not intend to confiscate the property of the lay impropiators; and the property of the Church was not excessive; it amounted to no more than £250 a year for each benefice. But what had they on the other side? They had £30,000 for Maynooth now that their population was but 5,000,000, while the Irish Parliament gave them only £6,000, when the population of Ireland was 8,000,000; and they had almost exclusive use of the grant of £300,000 for education; of £240,000 of it they certainly had the use. The hon. Member for Londonderry (Sir Frederick Heygate) had said he would not go into the question of right; but the question of right was the strongest part of the case of the friends of the Irish Establishment. It was an essential and fundamental part of the Articles of Union that the English and Irish Church should be one and indivisible; and Pitt recommended the Union for this among other reasons—that it would strengthen the Church of both countries. Lord Plunket, who was selected by the Roman Catholics to obtain emancipation for them, had said that if their prayers were granted he would give an undertaking that the property of the Irish Church would never be assailed; he had also said—

“The Protestant Establishment is the cement of the Union; if it were destroyed, the foundation of public security would be shaken, the connection between England and Ireland destroyed, and the annihilation of private property must follow the ruin of the property of the Church.”

This he believed, and he could assure English Members that if they allowed the Irish Church to be attacked, they would find that the outworks of their own was undermined, and that the citadel would very soon have to surrender. The Church holds its property as a corporation; its title to that property is indefeasible. Once this House makes any inroad on the rights of corporate property, which is held by so sacred a tenure, private property is no longer safe; and all the security that attaches to its possession is scattered to the winds. A good deal had been said of a re-arrangement of the property of the Church among itself; but he desired to urge the importance of proceeding in such an undertaking with the utmost caution, for it was one that required much

more delicate handling than appeared at the first. Even in those districts where the Roman Catholics are many and the Protestants few it would be a most dangerous experiment to remove the beneficed clergyman; his utility is not altogether measured by his sacred functions. The absence of the gentry in Ireland for at least a great portion of the year renders the presence of a highly-educated gentleman, whose conduct must be unimpeachable, of the highest value. He and his family attract the gentry back to their homes. Having then a common interest and common tastes it would be impossible to fill the void which his absence would create. He could quote many living authorities to illustrate these arguments, but he would only trouble the House with a quotation from a speech delivered by the right hon. Member for South Lancashire on Lord John Russell's Motion in 1835. [“Oh, oh!”] He admitted that it was a long time ago; but the right hon. Gentleman was Member for the University of Oxford at the time, and he presumed he held the same opinions as that he would quote until 1865, when he ceased to represent the University. The right hon. Gentleman said—

“He thought Church property was as sacred as private property, but between private property and Church property he saw a difference. He should say, that the former were sacred in persons, and the latter to purposes. . . . Until the legislative union should be dissolved, until the representatives of the Catholics constituted the majority in that House, he, for one, should raise his humble voice as a Protestant against the principle involved in the Motion before the House.”—[3 *Hansard*, cxxvii. 507.]

It was to be hoped that the House would hear, not the right hon. Gentleman's humble, but his powerful voice, raised against the Motion of to-night. The hon. Member for Londonderry (Sir Frederick Heygate) had rightly said that Fenianism and the Church question had nothing to do with each other; and an unhappy Fenian prisoner had stated the other day that as long as the British flag covered an inch of Irish ground, so long would the people continue to conspire and rebel. If this, then, were the acknowledged opinion of the Fenians, he asked how was it possible to suppress the Fenian or any other rebellion by such an act of injustice as transferring the possessions of the Church from one party to the other? He believed the Motion of the hon. Member for Kilkenny aimed at nothing but a transfer of

the temporalities of the Established Church to the Church of Rome, which was perfectly ready and prepared to receive them. It has its bishops, its deans, its cathedrals, and its whole Ecclesiastical staff exactly prepared for taking the place of the Protestant Church. It was on a piece with the object of every Tenant Right Bill—that of confiscation—for, however speciously disguised, they all arrived at the transfer of property from the landlord to the tenant. He therefore warned the House that if it trifled with the rights of property it would lose the fidelity of the wealth and intelligence of the country; and if it tampered with the Established Church it would forfeit the allegiance of the most loyal subjects in Ireland. He seconded the Motion for the Previous Question.

MR. GLADSTONE: I feel a difficulty, Sir, in supporting the Motion which has been brought forward by the hon. Member for Kilkenny—not in the slightest degree because I question the soundness of the main proposition which he has urged, but because, perhaps—like the hon. Member who moved it, and certainly like my hon. Friend who seconded it—I question whether the time has come when a practical plan upon this subject can with advantage be submitted to Parliament; and individually I feel that were I to vote for going into a Committee of this House for the purpose of considering the temporalities of the Irish Church, I should hold myself bound to be prepared, in giving that vote, to submit a practical mode of dealing with it in that Committee. I therefore am not sorry that the mode has been offered to us by the Motion of the hon. Member opposite (Sir Frederick Heygate) which, without in any degree questioning the general proposition that the subject of the Irish Church might fitly be considered in Committee, relieves us from the necessity of confirming a proposition that would excite hopes and expectations which I fear we should not be able to fulfil. It certainly would not be satisfactory to me—it would hardly be satisfactory to the character and credit of this House—that we should exhibit to the country the prospect of legislative action on this subject until, in our minds, we are convinced that the time for legislative action has arrived. It is with reluctance that I arrive at this conclusion because my opinions are in conformity, to a great extent, with those of my hon. Friend (Sir John Gray); and I may say,

with respect to the speech of my hon. Friend who seconded the Motion, that, with the exception of one, or perhaps two epithets that I heard in one portion of that speech—and which I must be permitted to designate as florid epithets—I should be prepared, I think, to subscribe to every word he uttered. And I must say after listening to the speech of the hon. Gentleman who has just sat down (Mr. Vance), that it would convince me, if materials for conviction were wanted, of the justice of the sentiments of my hon. Friend. What are the arguments the hon. Gentleman has made use of? The issue between him and me is a real one, because the speech that he has made is not one applicable merely to the question whether we should now proceed to legislate on this matter or not. The hon. Gentleman, with perfect consistency, and in a manner perfectly creditable to himself, takes his ground upon principles of the highest and most permanent character. And he flings in our face the threat that if we venture at any time to entertain the question with respect to the temporalities of the Church in Ireland we tamper with the Union, we lose the loyal attachment of the well-behaved persons in Ireland—which he says are dependent on the maintenance of this system—we assail the foundations of private property, we throw away the Established Church in this country along with that of Ireland. In point of fact, we become the precursors and harbingers of revolution. That is a very good speech not in favour of the Previous Question alone—it would be just as good a speech in the year 1967 as in the present year, if the question should remain unsettled until then—which God forbid. But now, are these general menaces—is what I must call this vague and wild declamation—to be treated as an argument bearing on this subject? No, it does not contain the elements of argument; it is that kind of threat which in the worst and most threadbare case, as sometimes in the very best case, is capable of being launched against your antagonists. As to the facility with which, in the worst case, it can be used, the hon. Gentleman to-night has given us an example. He quotes the engagement given by Lord Plunket that the Roman Catholics would respect the property of the Church in Ireland. Well, I think, on the whole, they have respected it, and with very great patience. The course they have pursued for between forty and fifty years, speaking of them

as a body, has been a course eminently moderate. But, at any rate, I am not bound by the engagements of Lord Plunket. I say to Members of this House, and not to Irish Members alone, that we have something to consider besides the particular wishes they entertain; and the feelings and convictions I entertain myself as a member of the English Church impel me in the very direction they wish to move—and that, as a Member of this House, and as a member of the English Church, I refuse to give my countenance to that strange, anomalous, and most injurious state of things which prevails in Ireland. I hold myself free to enter on the consideration of this question; and the only doubt and scruple I entertain is that I think mischief might be done by a premature attempt at legislation. Therefore I dismiss the engagements of Lord Plunket. But what else does the hon. Gentleman say? He says that the Church Establishments are open to the people of other denominations as well; and the hon. Gentleman positively offers that remark to the Roman Catholic Members of this House as a topic of consolation. Allow me to turn the tables. Suppose that the result takes place which he, I think most incorrectly, predicts—namely, a similarly exclusive endowment of the Roman Catholic Church. Let me suppose that result achieved, and the Roman Catholic Church in possession of the ecclesiastical property of the nation; what would he think if, when he was bringing forward some complaint upon the matter, one of my Roman Catholic Friends were to get up and tender to him this answer—"The Roman Catholic Churches are perfectly open to you and every other Protestant whenever you may wish to go into them?" Nothing could be more ridiculous or preposterous than such an argument. I am sure not one of those Gentlemen could be found to advance any such proposition. I ought almost to apologize for having supposed it possible that one of them could have used such an argument. But that is the very topic on which the hon. Gentleman dwells, and he pleads the fact that these Protestant Churches are open to the Roman Catholic community as a reason and justification for the exclusive possession of Church property by the Protestant clergy. The hon. Gentleman went on to say that the amount of the Church revenues is only £448,000 a year; and what is that? why, it is only the income of a single nobleman. The hon.

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Gentleman flies very high—his acquaintance probably lies among the most opulent members of the community. I do not know whether he said this £448,000 was the average income of the Members of the House of Lords. [Mr. VANCE: No; I said of one Peer.] I am glad I was cautious enough to make the inquiry. It was not, it seems, the average, but only the occasional income of Members of the Upper House. But that was his only comment on the £448,000 which the hon. Gentleman insists on withholding from the mass of the poorer population of Ireland. How different are the measures not only of justice but of arithmetic, which he applies to a different portion of the community! When he spoke of £448,000 as the endowment of the Protestant Church, he could see nothing but the contemptible insignificance of such a sum. But when he came to deal with the provision made for the millions of the Roman Catholic community in Ireland, he said, "Oh, don't be discontented—see what you have got—£30,000 a year! Formerly it was only £6,000, but it has been raised to £30,000 and continued at that amount, although the population have fallen off from 8,000,000 to 5,000,000. You have still been left in unrestricted enjoyment of this magnificent provision." Such are the spectacles—I was about to say such the microscope and such the magnifying glass—which the hon. Gentleman alternately uses according to the figures at which for the moment he is looking, making things look small where Protestant interests are affected, large where they relate to the Roman Catholics. Again, he says that they have the almost exclusive use of the education grant. Have they? Is it distributed according to their will? Are the ecclesiastical authorities of the Roman Catholic Church so well satisfied with the conditions on which the grant is given? Does it not happen from year to year that Roman Catholic Members come to this House and call for alterations in the conditions under which the system is administered? To be sure it does. And who opposes them? Why, the hon. Gentleman himself, who is found disputing continually—I do not say disputing unjustly—the application of educational grants to purely Roman Catholic purposes, and asserting constantly that the educational grant is not given to Roman Catholics as members of a particular religion, but to the whole country.

But the hon. Member, although he thus claims the right continually to interfere with the conditions upon which this grant is given, now comes forward and asserts that Roman Catholics have the exclusive enjoyment of the education grant. Again, the hon. Member asserts that by the instrumentality of the Irish Church you have in every parish throughout the country a highly-educated gentleman, and he insists upon the importance of that circumstance. I hope that not one word I have ever said in this or any other debate has been capable, or will be capable, of being construed to imply insensibility on my part to the zeal, eloquence, or admirable conduct of the Irish clergy. I have always found Gentlemen on this side of the House willing to pay them every possible respect and consideration, and therefore I do not object to the hon. Gentleman's description of them as highly-educated gentlemen. I think it is a very great advantage to have those highly-educated gentlemen liberally sown and sprinkled about Ireland, or England, or any other country. But it is a totally new view of the matter when we are told that in order to get these highly-educated gentlemen, and to scatter and sprinkle them about the country, we are to endow them from funds which, for the benefit of the mass of the community, ought to be applied in another direction. The class of highly-educated gentlemen should subsist on their own means and not on means supplied by the public from sources which are not legitimate. Then I come to the speech of the hon. Gentleman who moved the Previous Question (Sir Frederick Heygate)—a speech delivered in the temperate manner in which we should all wish to see this question discussed. But what does the hon. Member say? He began by stating that he could not perceive in Ireland any real remains of the system of ascendancy. But he went on to say that during the present Session eight Bills had been introduced into this House for affecting divers important changes in the law, most of them supported from this side of the House, few of them receiving any countenance from the Government, but all of them, I should have thought, bearing testimony to the fact that in one shape or other some remnants of ascendancy do really exist. Because what are these Bills? They are not Bills for establishing any superiority on behalf of Roman Catholics; they are Bills for redressing or cancelling inequalities affect-

ing Roman Catholics. And yet the same Gentleman says he can perceive no remains of ascendancy.

SIR FREDERICK HEYGATE: I stated that those Bills were brought in to remove any traces yet remaining.

MR. GLADSTONE: At any rate, it is clear that traces sufficient to afford materials for eight Bills do remain. And as the question of the Established Church is not included in any of those eight Bills, we might carry our researches still further. Then the hon. Gentleman says—and his remarks were cheered—"Don't suppose that by altering the present ecclesiastical arrangement in Ireland, so far as the temporalities are concerned, you are about to secure religious peace. On the contrary, you will have more religious strife than ever." That threat is very often used in these discussions; but what is the meaning of it? It seems to me to mean this. There are at present a large body in Ireland who have not obtained equality, and, because they have not, there is an absence or a partial absence of religious peace; but there is another party in Ireland who have got more than equality—who have got advantages and privileges—and if they are put on an equality they will protest against it and make more disturbance because they are to have equal treatment with their neighbours than is made by those who have not now got that equal treatment. I must be permitted to doubt that there are such a party. I do not believe that equality of treatment has that effect—at any rate after the momentary excitement has subsided. I think there is a natural sense of justice in communities and classes which, even though they may feel sore at the instant, induces a party who have been in possession of undue privileges to acquiesce in a system of equality of treatment. Consequently, I am not moved by the threat of the hon. Gentleman as to the increase of religious strife in Ireland. Then the hon. Gentleman said, "Don't leave the Established Church in Ireland to the voluntary system. It may do very well for the towns, but it won't do for the country." But the hon. Gentleman forgets that at present we apply the voluntary system to the Roman Catholics of the towns and the Roman Catholics of the country also. I want to know whether the Roman Catholics of the country are so extremely rich and the Protestants of the country so extremely poor that a State endowment is

necessary for the Protestants who cannot bear a burden which is now borne by the multitudes of Roman Catholics who are dependent upon the sweat of their brow for their living? There was another menace which the hon. Gentleman launched, and which I think was a singular one. I presume it was directed more against hon. Gentlemen connected with the Roman Catholic Church than against us who are members of the Established Church. He said, "Beware of doing away with the present state of things, because, if you do, there will be more Protestant proselytism. There will be more religious zeal and a more active movement from the Protestant side against the Roman Catholic." I do not know whether the hon. Gentleman succeeded in carrying into the minds of Roman Catholic Gentlemen that terror which he intended to produce—at all events, that threat can have no effect of the kind on me; and in what I am about to say, if I alarm my hon. Friends, I at least hope I shall not offend them. I am going to challenge the hon. Gentleman. He said that the true ground for maintaining the Established Church in Ireland was its truth; but if it ought to be maintained because it teaches the truth, how is it possible that he can demand our vote in favour of his Amendment on the ground that if we remove the Establishment the truth will spread more rapidly? I leave to the recollection of the House whether the hon. Gentleman did not make the two statements. I am guilty of no exaggeration. It might not have been in the same sentence he used the two arguments. The hon. Gentleman might not have considered the bearing of his speech as a whole, and there were perhaps a few sentences between the two statements to which I am referring; but bring his two arguments together, and when you have them in juxtaposition you find this—that the Established Church ought to be maintained because it teaches the truth, but if we do away with it there will be more of religious aggression against those not in possession of the truth. Again, I think I understand the hon. Gentleman rightly when I understand him to say this—that he is not prepared to withdraw the property of the Established Church, but he is prepared to grant a full and searching inquiry, with the view of doing away with certain anomalies which may be found to exist in regard to the distribution of the revenues of the Establishment.

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Now, from his point of view, that proposition appears to me to be sound. He thinks we might re-distribute the Church property and take tithes from Connaught for the purpose of applying them to Dublin and Belfast. He would do this to enable the clergy in the latter places, as my hon. Friend the Member for Kilkenny (Sir John Gray) says, to put fuel in the churches to keep them warm, while the people of Connaught have to find fuel for the Roman Catholic churches in that province by the sweat of their brow. My hon. Friend the Member for Kilkenny said that the State was finding fuel for the Protestant churches in Ireland. Sir, I am afraid the State is not only finding fuel for the Establishment, but feeding a great many other flames. But, generally speaking, re-distribution and re-adjustment are what are promised by the hon. Gentleman as resulting from a searching inquiry. If his bases were right—if his bases were sound—nothing in the world could be more satisfactory. If the circumstances of Ireland were such as the hon. Gentleman and I might wish—if the people of that country shared in our religious convictions, nothing could be more proper than that those anomalies to which he refers should be removed; though, perhaps, under such circumstances, those anomalies would not be found to exist; but, unsatisfactory as those anomalies are, they are anomalies of detail. My hon. Friend the Member for Kilkenny has stated that there are 114 parishes in which the spiritual provision for each family is £58 a year. That is an anomaly of detail; but, suppose those anomalies to be removed, there would yet remain one great and vast monopoly—the monopoly of principle would remain, and the more you remove and mitigate those anomalies of detail the more offensive in the minds of the Irish people would be that monopoly of principle. The hon. Gentleman who moved the Previous Question intimated that in those cases of the rural districts to which my hon. Friend the Member for Kilkenny referred some of the revenues of the Establishment might be taken for the use of other places; but on that point he is entirely in conflict with the hon. Gentleman who seconded his Amendment, because the latter hon. Member told us of the enormous advantage to the country of scattering those educated gentlemen all over Ireland. The real question is whether the existence of the Irish Church as an establishment in exclusive possession of Church property, supposing

every anomaly and detail to be removed, is tenable and defensible. Now, what are the grounds on which a Church Establishment may be maintained? I think there are three such grounds. In other days, when other views of social and political subjects prevailed, the Established Church in Ireland was maintained on the ground of truth. That is one ground on which an Established Church may be maintained; but if you maintain the Established Church in Ireland on the ground of truth, you cannot at the same time maintain and educate a priesthood who teach the people that the truth is not to be found in that Church. You cannot, then, maintain the Established Church in Ireland on the ground of truth. What are the other grounds? You may maintain an Established Church if it is the church of the bulk of the population. And here I must say that I feel very little obliged to the hon. Gentleman who moved the Previous Question. In his zeal for the Irish Church I think he said the great majority of the people of this country do not belong to the Established Church. Now, I am ready to break a lance with him on that point. I believe that the majority of the population of this country are members of the Established Church, and I am prepared to join issue with the hon. Gentleman. But let me say that while I wholly and entirely believe that the question of the Established Church of England cannot be drawn into the arena of conflict in debating the question of the Established Church in Ireland, I must state my conviction that we must deal with the Irish Church, not on the principles of political expediency, but on the broad principles of civil right and justice. We must recognise these, let the conclusion which is involved in our doing so be whatever it may. But there is a third ground. Even if a Church were not the Church of the mass of the people, you might perhaps maintain it, if it were the Church of the mass of the poorer portion of the population. Is that the case in Ireland? No; there the religion of the Established Church is the religion of the few. You cannot, therefore, maintain the Established Church in Ireland on the ground of truth—on the ground that it is the Church of the mass of the population—or on the ground that it is the Church of the mass of the poorer portion of the population. That being the case, is it really to be supposed that

the Irish people will bow to such a principle as now unhappily subsists in our policy towards that country in this respect? The Irish people have shown great patience in tolerating its existence for so many years. I put this question—Would we tolerate it ourselves? For instance, would the Scotch Members in this House tolerate the endowment of the Episcopal Church in Scotland in the way the Established Church prevails in Ireland? I have long resided in Scotland, and was in communion with the Episcopal Church in that country; and, being interested in its fortunes, I should be one of the first to resist any movement in that direction—supposing it to be possible that any one should attempt it. I repeat that neither Englishmen nor Scotchmen would tolerate in their respective countries such a state of things as exists in Ireland. Let us therefore give to Irishmen their due, and let us deal to them the same measure which we require to be meted out for ourselves. If we look to Irishmen for the same allegiance, if we call upon the community of Ireland to support and sustain us in applying restrictive measures to the disaffected, as the hon. Member for Longford (Colonel Greville-Nugent) has well said, and if we ask Ireland, as I have asked Ireland upon more than one occasion, to bear her full share in the burdens of the country, do not let us forget that reciprocity is the essence of justice itself. On the contrary, let us admit that the Irish themselves, if they wish to claim and establish a plenitude of brotherhood with the people of England and Scotland, must establish that claim by pursuing the same conduct and the same course in regard to questions of Irish policy as the people of England and Scotland pursue in matters of English and Scotch policy, and by being determined to be satisfied with nothing short of a just, a fair, and an equal application of the same principle. I think the hon. Member for Longford is correct in his anticipation that the time is not far distant when the Parliament of England, which at present undoubtedly had its hands full of other most important business and engagements, would feel it its duty to look this question fairly and fully in the face; and I confess that I am sanguine enough to cherish a hope that, though not without difficulty, a satisfactory result will be arrived at, the consequences of which will be so happy and pleasant for us all that we shall wonder at

the folly which has so long prevented it being brought about.

THE ATTORNEY GENERAL FOR IRELAND (Mr. CHATTERTON) said, the right hon. Gentleman who had just sat down had complimented the hon. Member who brought this question forward (Sir John Gray) on the moderation of his language. He regretted that he was not able to offer the hon. Gentleman the same compliments, because a speech more full of the Socialist and Communist element he had never listened to, and it was with the greatest astonishment he had listened to the compliments which were paid to it by the right hon. Gentleman. It was with the greatest astonishment that he had listened to such sentiments in that House. But he thought that when Gentlemen came to analyze the speech of the right hon. Gentleman himself, they would see that every argument which he had brought forward for the spoliation of the Established Church in Ireland applied equally to the confiscation of private property. It was an odd argument to say that there must be a grievance because men complained of want of equality. If that were admitted there was no one who might not complain of the inequality of the distribution of property; and this was an argument which would apply with equal force to any kind of property, and was a direct approach to socialism and communism. The private property of any Gentleman in that House was not more his own than were the temporalities of the Church of England and Ireland the property of that United Church. The hon. Member for Kilkenny (Sir John Gray) had stated that he brought forward his Motion in no spirit of hostility to the Established Church in Ireland, but that his sole desire was to have an impartial inquiry into the state and condition of that Church; but he had declined to tell the House what was to be the result of that inquiry, or with what object it was to be instituted. Now, could any hon. Member suppose that the object of the hon. Member for Kilkenny was friendship to the Establishment—cheered as he was by the hon. Members near him? On the contrary, could any one doubt for a moment that the Motion was directed against the existence of the temporalities of that Establishment, respecting which he now proposed merely to have an inquiry? It was an absurdity to say that the temporalities of the Irish Church were only two or three centuries old. They were appropriated and dedi-

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cated to the use of that Church nearly ten centuries ago. [An hon. MEMBER: What Church?] It was the Church which was then, as it still remained, in hostility to the Church of Rome. No one who was acquainted with the history of the Church could be ignorant of the fact that till the year 1172 that Church was not in subjection to, nor even in communion with, the Papal see, and that that subjection to Rome was imposed upon as a consequence of the English invasion. But at the time of the Reformation the Irish Church threw off that yoke of bondage. He would not, however, revert to abstruse questions of ecclesiastical history, but would deal with the question in its bearings on the present state of society. He thought he could show that the arguments of the right hon. Gentleman the Member for South Lancashire, based on equality, applied still more to the Established Church of England than of Ireland; because the Established Church of England did not admit of the appropriation of her revenues for the benefit of the sects that had sprung up around her. The argument based on numerical majority, he admitted, did not apply to the Church of England, for he believed that the Church of England was the Church of the majority of the country. But he would ask hon. Gentlemen whether the advocates of the Irish Church were not entitled to rely upon this—that the Irish Church was an integral part of the United Church of England and Ireland? The right hon. Gentleman had relied at the argument based on the compact which was entered into at the time of the Union between England and Ireland. That argument had been scouted—he supposed would be laughed at if it were tried now. But he asked the House whether they would refuse to listen to the authority of that great and eminent statesman the Duke of Wellington on this subject. The Duke of Wellington, speaking in the House of Lords, on a Motion referring to the Church in Ireland, on the 23rd of March, 1846, said—

“The noble Earl has spoken throughout, in his consideration of this part of the question, as though it were an open question—as though Parliament had done nothing on this subject—as though it were a question on which a measure could be adopted without the smallest difficulty, without a breach of former arrangements and former compacts. My Lords, if ever there was a point which was made a subject of compact by Act of Parliament, it is the maintenance of the Church of England in Ireland. It is an institution which the two Parliaments at the time of the Union resolved should be perpetual; they styled its pre-

servation, in the Articles in which it was most particularly mentioned, a fundamental part of the engagement. . . . My Lords, the Irish Parliament was a body capable of legislating on this subject; competent to frame and agree to this Treaty. That Parliament entered on the consideration of the question under the auspices of the Government of George III. They had the power of either agreeing to or dissenting from the Act of Union; and they stipulated for the Sixth Article, by which it was provided that the two Churches of England and Ireland were to be united for ever, and to be governed by the same laws. You cannot replace the Irish nation or the Irish Parliament in the situation in which they stood at the time that the compact was signed; and I say that you cannot depart from the compact without a positive breach of engagement. I say, then, you have not a case before you for the accomplishment of this object—you cannot make the arrangement proposed; and I therefore recommend to your Lordships not to agree to the Address moved by the noble Earl.” —[3 *Hansard*, lxxxiv. 1834.]

Were similar sentiments to those which that extract from the speech of a great and eminent man conveyed to be treated at the present day with ridicule in that House? Or would they say that they were at liberty to recede from that contract, taking all its advantages, but receding from its obligations? The object—though, perhaps, it was not avowed—of the proposition under discussion was to subvert an institution which had subsisted for centuries, edged round by the most solemn engagements. And was no case, he would ask, to be made out before an inquiry in furtherance of that object was granted? Was such an inquiry to be instituted on the bare word of an hon. Member rising in his place in that House and making certain statements? Was it not necessary that a case—aye, and a convincing case—should in the first instance be established? Where was that convincing case? Where the grievance which had been proved? He challenged any man acquainted with Ireland who spoke his mind honestly to say that the Church Establishment constituted a real grievance among the mass of the Roman Catholic people of that country. Apart from the Roman Catholic clergy and agitators, who sought to make for themselves political capital, there was, he believed, no feeling of hostility to the Established Church in Ireland. In the outlying districts every one of the people knew that they did not pay a penny out of their pockets towards the income of the clergyman and gentleman who was at once their neighbour and their friend. With the exceptions to which he had just alluded, there was not

a farmer or a labourer throughout the length and breadth of the land—at least, there were very few—who would come forward and say that he looked on the burden of which complaint had that evening been made as a grievance. [“Oh, oh!”] A grievance! Yes—there might be a sentimental grievance, but not one from which such persons suffered in their pockets; and when the mass of the population did not suffer in that respect the grievance to them must be regarded as being very light. [“Oh, oh!”] He was not speaking of men of education, who could afford to come to that House and discuss the matter as a political grievance, but of the great majority of the people of Ireland, with regard to whom, he maintained, the observations which he had just made were perfectly well-founded. And as to the feeling towards the Established Church, by which the people at large were animated, was it not true, he would ask, that the Protestant clergyman of the parish was one of the first to whom they had recourse in sickness and in poverty? When they had any little matter of business to settle, was it not to him that they were ever ready to apply for his assistance? He, for one, must thank the right hon. Gentleman the Member for South Lancashire, and other hon. Members opposite, for the tribute which they had been good enough to pay to the worth and merit of the clergymen belonging to the Established Church in Ireland. It was a tribute very gracefully paid; but then it was one which could scarcely have been withheld; for if those hon. Members were to speak in a contrary sense, there was not one of the mass of the population in that country by whom they would not have been contradicted. The conduct of the Protestant clergy during periods of great poverty and destitution in Ireland, and their devoted exertions in the midst of the severest trials, had also been mentioned in terms of just praise. The incumbent of the parish, in the remotest districts especially, was ever the foremost in the relief of distress. Yet it was said to be a grievance because the landlords of the country had to pay for the maintenance of such men; for was it not the fact that seven-eighths of the amount of the tithe rent-charge, which went to pay the clergy of the Established Church, was paid by the members of that Church itself? Numbers of Roman Catholics, too, had become purchasers of their

estates subject to such an outgoing, for which, of course, they took care that due allowance was made in the price. It was idle, then, he maintained, to talk of the charge as a tax. It was no tax. It was a property which had existed for centuries; and by whom, he should like to know, was that property to be enjoyed? Was it to be enjoyed by that Church by whose members, as he had just observed, seven-eighths of her revenue was paid? Or was it to be taken away from her and applied to he knew not what? No two Members on the other side were agreed on that point. Some hon. Gentlemen were in favour of its application to education, some to other objects; but the idea of giving the property back to the landlords was scouted on all sides. The Roman Catholic clergy, he believed, scorned to become the recipients of the bounty of the State. It was difficult to say, then, to whom it was proposed that the property of the Church in Ireland should be transferred; and that being so, it would seem to be a very natural conclusion that its present application was just. And what, after all, did the arguments of hon. Gentlemen opposite come to? To the simple statement that there were so many millions of Roman Catholics in Ireland, while the number of Protestants was comparatively small. Such was the only plea which could be advanced in support of a measure of spoliation which could be warranted only by the most conclusive and imperative political necessity. But was there such an inquiry held? Who demanded it? What was the grievance? How did it arise? From what quarter did it come? That no such necessity existed in the present instance was clearly shown by the fact that, although it was said the inheritance of the Church ought to be taken away, those who had a right to succeed to it could not be named. Turning for a moment to the minor arguments—he did not wish to characterize them by any harsher epithet—which had been urged in support of the Motion before the House, he must say he never heard a more unjust paraphrase of a statement than that made use of by the right hon. Gentleman the Member for South Lancashire in dealing with what had fallen from his hon. Friend the Member for Londonderry (Sir Frederick Heygate) with reference to the re-distribution of Church property. He spoke of what his hon. Friend had said as, forsooth, amounting to a proposal

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to take Church property from Connaught and apply it for the benefit of Dublin or Belfast. The hon. Baronet had not, however, uttered a single word which afforded the slightest foundation for such a construction. He might also observe that he was somewhat surprised to hear the right hon. Gentleman endorse the statement of the hon. Member for Kilkenny to the effect that the trifling requisites for the performance of Divine service in the Protestant Church in Ireland were paid for by the State. The right hon. Gentleman, dwelling on that point, thought it worth his while to fasten on the word “fuel;” but that and other requisites were paid for out of the revenues of the Ecclesiastical Commissioners in Ireland, every shilling of which was obtained from the property of the Church, derived from Sees which were appropriated when church rates were abandoned in Ireland, and contributed by a tax of 10 per cent on the incomes of the clergy over £300 a year. Yet such were the funds which were described as belonging to the State, and paid, forsooth, out of the public purse! When, he should like to know, were the Church revenues of England regarded as a portion of the public purse, upon which the Chancellor of the Exchequer might rely when forming his financial combinations? Do not let them confound with the public purse contributions made by their ancestors to the Church centuries ago—[“What Church?”]—founded, too, in many cases, by private individuals. [“What Church?”] He would answer at once—the Roman Catholics, whose descendants had in time come to see the error of their ways—aye, they saw the error of their ways, as they thought, and as he thought, and then of themselves altered the constitution of the Church. [“Oh, oh!”] He cared not for these interruptions; but he would rather that the hon. Members who made them got up and answered him by argument. He argued that the property so appropriated was not in any sense of the word part of the public purse of this country, and therefore he denied the allegations made, which he was astonished to hear from a person of the learning and experience of the right hon. Member opposite. He had gone into the question irrespective of the Amendment of the hon. Member for Londonderry, because he was not afraid of meeting and dealing with the question—because the

advocates of the United Church did not shrink from investigation or inquiry, if it were undertaken with the object of finding remedies for anomalies which did exist; but he opposed a Motion, no matter how colourably and speciously made, which had its root in the desire to subvert the constitution of the Established Church. Whether it was to be met by the Previous Question or by a direct negative, he grappled with it on that basis; and, whichever way the question was put to the House, no case had been made out, or could be made out, to show that such an attempt as that which the Motion indicated ought to be allowed to succeed.

MR. MURPHY: Sir, I cannot congratulate the right hon. and learned Gentleman who has just sat down upon either the tone or manner which he has adopted in his attempt to reply to the powerful and statesmanlike observations of the right hon. Gentleman the Member for South Lancashire. It is neither my desire or intention to imitate, but much rather to avoid that tone, and I trust that I shall bring to the consideration of this most important subject a moderation both of manner and temperament befitting it. The question is one which I would propose to treat essentially in a social and political, as contradistinguished from a religious or polemical, point of view. In fact, the real question is, whether a policy of political and social ascendancy, inaugurated two centuries ago or more by England with respect to Ireland, warranted, perhaps, by the principles of State policy then prevailing, and by the supposed necessity of the period, but totally repugnant to the state of things at present existing in Ireland, and ignored by the principles of modern legislation and enlightenment, should be still continued towards that country. Sir, it needs but a very cursory reference to the history of Anglo-Irish affairs to demonstrate what, indeed, has never been seriously denied—namely, that the establishment of the Anglican Church in Ireland was mainly, if not altogether, in the nature of a political rather than of a religious or missionary institution; that it was planted there with other institutions expressly for the purpose of maintaining the political and social ascendancy of the few over the many; and that although this policy of exclusion and inequality has been theoretically, at least, repudiated by modern legislation, yet that the Establishment

still continues, and is considered as the type of that same political and social inequality. Most naturally the territorial proprietors in Ireland, who are, for the most part, members of the Anglican Church, have accepted this state of things as part of what I may be allowed to term their political religion. It has been handed down to them by their predecessors, and they desire to transmit it to their descendants, and they hold it as a matter of pride and personal honour that every means and appliance of political power within their command or influence should be used for this purpose; and some, as underlying the entire question of land and tenure in Ireland, and, in fact, in great part the cause of it, have those proprietors for several years been using their power as landlords by withholding leases in order to influence the electoral vote of their servants. Now, Sir, this is a state of things which requires the earnest consideration of statesmen at both sides of this House. It is one which cannot possibly receive justice at the hands of any private Member. It is one which lets in an inquiry as to the whole state of circumstances (as arising out of this original mis-legislation) in which Ireland is placed, and which must result in determining for once and all, whether the country is or is not to be any longer governed by ascendancy laws. For my own part, I cannot understand how any one can defend a state of things under which the great bulk of the people of Ireland feel that they are placed in a position of social and ecclesiastical inequality, and which must continue so long as the present anomalous condition of the Anglican Politico Ecclesiastical Establishment exists. Sir, I am entirely in favour of ecclesiastical equality in Ireland. I do not desire—nay, I emphatically repudiate the doctrine, that any one particular form of religion or sect in that country should enjoy an ascendancy over another; and I believe that until the ascendancy which at present exists in that respect is done away with, we shall not have peace, contentment, or prosperity in the land. The right hon. and learned Gentleman the Attorney General for Ireland, the hon. Member for Armagh, and other speakers have offered two objections to the consideration of the question involved in the Motion of the hon. Member for Kilkenny. One is grounded on the Articles of Union with Ireland, by which they contend that the temporalities,

&c., of the Irish Church have become inseparably united to, and blended with, those of the English Establishment, and that you can no more interfere with the one than you can with the other, and the other objection, as well as I can understand it, is that the temporalities of the Irish Church are as sacred as private property, and that to appropriate them to any other purposes—sanctioned as they have been by the lapse of ages—would be an act of spoliation or confiscation. Now, Sir, I have read the Act of Union, and although I cannot pretend to place my judgment or opinion in competition with that of the right hon. and learned Gentleman in the construction of an Act of Parliament, yet I confess it does not appear to me that the effect of the Articles of Union has been to unite the temporalities of the Irish Church with those of the English. The two Churches are certainly united in “doctrine, worship, and discipline;” but I cannot discover how any dealing with the Irish temporalities can even remotely be considered under that Act as a dealing with the English temporalities. But I shall not depend upon my own judgment. I shall offer to hon. Gentlemen an authority which they cannot doubt, an authority which the hon. Member for Armagh has himself used—that of the late Lord Plunket—the great Lord Plunket—once Lord Chancellor of Ireland, who was an honour to his country, and whose name should be venerated by every true lover of his native land, and every admirer of genius. But, Sir, to listen to the observations of the hon. Member for Armagh and of the right hon. Gentleman the Attorney General for Ireland, any one might suppose there was a sort of sanctity about the Irish Church temporalities which must for ever interfere to prevent their being in any manner dealt with, and the more especially in consequence of the Act of Union. Lord Plunket, however, has completely disposed of this argument, and, with the leave of the House, I shall quote his words—

“He had heard a great deal of vehement declamation, but not a single argument to show that this (*i.e.* the partial appropriation of Irish Church property to educational purposes), would be in the slightest degree a violation of the principles of Protestantism, or of the Act of Union. By the Act of Union the Churches of England and Ireland were consolidated. By the fifth article of that Act, they were identified in doctrine worship and discipline, but was there anything in that article which identified the temporal possessions of the Church of Ireland with those of the Church of

England? There was nothing of the kind. The Irish temporalities were altogether distinct from those of the Church of England. If they were not, they had been violating the Articles of Union ever since they were passed. The whole system of composition of tithes in Ireland was a violation of those Articles.”

Now, Sir, I trust that hon. Gentlemen who have been so very ready to appeal to the authority of Lord Plunket will seriously consider this view of the question, and reconcile their minds to the inevitable necessity of a change which must be made, and which cannot be far distant. But, Sir, it is, as I have said, also asserted that the Church temporalities form an old institution, consecrated by the lapse of ages, and therefore that they cannot now be interfered with. On this point I shall ask the leave of the House to refer to another authority—that of an eminent statesman, now no more, whose calm, clear intellect and practical sagacity have been appreciated and recognised by his contemporaries, and fully confirmed by the judgment of the nation. I mean the late Lord Melbourne. In a debate on the Irish Church in the year 1835, when this very objection had been taken, Lord Melbourne dealt with it thus—

“Why, my Lords, it is probable that if those who we condemn were here to defend themselves, it is probable, I say, that they would be able to show in one sentence, perhaps in one word, that we know nothing about the matter. . . . They would say, ‘a Roman Catholic population and a Protestant establishment is a state of things which we never either contemplated or intended. Our policy might be violent, our measures might be cruel, our objects might be impracticable, but we had definite and reasonable objects in view. We intended the eradication of the Roman Catholic and the substitution of the Protestant faith. Such was our end—such our means from the reign of Henry VIII. down to the enactment of the Penal Code. If you abandon our policy as you have done, you must abandon it entirely, and you must adopt, not only a different, but precisely the opposite course.’”—[3 *Hansard*, xxx. 725.]

Now, Sir, it is impossible, after the exposition of the views of the eminent statesman I have ventured to lay before the House, and the known and authoritative expression of feeling on this subject in Ireland, and I may add in England, it is impossible, I say, for one moment to contend that those who are desirous of removing this odious grievance of politico-ecclesiastical ascendancy, in connection with the Anglican Church in Ireland, are to be stopped from doing so by any of the arguments which hon. Gentlemen opposite have used. The entire of this question is simply reducible to the point whether

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ecclesiastical ascendancy should continue to exist in Ireland. It is not so much a question as to the temporalities of the Irish Church, as it is a question as to how the political, ecclesiastical, and social inequality at present existing can be most effectually banished from the land. The right hon. Gentleman the Attorney General for Ireland has referred to the revenues of the suppressed bishoprics, now in the hands of the Ecclesiastical Commissioners of Ireland, and, in doing so, I can scarcely think he has been wise, having regard to his argument as to the inviolability of the temporalities of the Irish Church, and his comparison of their position with that of the owners of private property. Why, Sir, the very Act to which he referred, the Irish Church Temporalities Act, is in itself the most conclusive proof, if any such was wanting, of the power of Parliament to deal with this subject. Ten bishoprics were suppressed, and their revenues handed over to Commissioners. What further proof is necessary? But, Sir, that Act affords a most striking and pregnant proof of what the real title to those revenues actually is, and disposes perfectly of the chronological or patrician pedigree which the right hon. and learned Gentleman has conferred upon those estates. That Act in effect asserts, and confirms, if necessary, that so far as the opinion of Parliament is concerned, the title to those revenues is in the Crown and not in the Irish Church. I shall only read the recital or preamble of the 32nd section of that Act to prove the case in this respect, and then leave hon. and learned Gentlemen to ponder on it. Here it is—

“Whereas His Majesty has been graciously pleased to signify that he has placed at the disposal of Parliament his interest in the Temporalities, and custody thereof, of the several bishoprics and archbishoprics mentioned in this Act and the Schedule B thereunto annexed. Be it therefore enacted, &c., &c.”

I trust therefore that we shall hear no more about the doctrine of Church property being private property. But now, Sir, this property having been referred to let us see what it is, and what has been done with it. By Parliamentary Returns issued in 1833 and 1835, we find the following facts:—That the gross number of acres in Ireland, belonging to the see lands alone, amounted to 669,247; and the number of tenants thereon was 1,922. The number of profitable acres was 485,532; and of these 138,341 belonged

to the suppressed sees. The value of the see lands attached to the suppressed bishoprics (calculated in 1833), which subsequently became vested in the Ecclesiastical Commissioners, was £38,229 per annum. By a calculation made in 1835, they were estimated at £50,000 a year, and by the Returns of the Ecclesiastical Commissioners, taken for ten years past, it is found that they average nearly £60,000 a year. This is for the land alone, and over and above the tithes of the suspended benefices, amounting to £19,000 a year, the tax on benefices, &c., &c. Now the gross estimated value, or rather the rental of the see lands in Ireland, in 1835, was £503,131; but out of this the rent and renewal fines receivable was but £124,553, leaving to the Church tenants a profit rent of £378,578 per annum, held by them on leases principally of but twenty-one years. The Commissioners were empowered to sell to the tenants the reversion or perpetuity of their holdings, which reversion was estimated by Mr. Finlaison, the actuary, to be of the value of £1,507,000, or something less than four years' purchase on such profit rent; and of this sum the Commissioners have actually received £650,000 since 1835! Now, Sir, the revenues vested in the Ecclesiastical Commissioners were made applicable to supplementary church rates which had been abolished in Ireland, and which, notwithstanding such abolition, are still so applied. Thus, church rates are still substantially continued in a Catholic country—while in this very Session this House has declared by a large majority of votes that such rates should not be compulsorily levied in this Protestant country of England. What pretence therefore can there be for any longer applying those revenues in the hands of the Irish Ecclesiastical Commissioners to church rates and Church requisites. But, Sir, there is really a great misconception—a great ignorance, I should say—as to what the real value is of the see lands in Ireland, and it would form a very curious, and I have no doubt a very interesting, subject of inquiry. I may perhaps be allowed to give a fact by way of example which has come under my personal observation and is within my own knowledge, and which, I think, will tend to illustrate the subject. A very reverend Prelate, at present presiding over four united dioceses in the South of Ireland, was appointed Prebendary of the Holy Trinity in the city of Cork in the year

1808-9. The revenues of the prebend at the time of his induction were under £100 a year—namely, annual rent £30, and annual fine about £70, late Irish currency. A lease of nineteen years was subsisting against him at the time. In the year 1824, the Prebendary renewed the lease for twenty-one years in consideration of an annual additional fine of £400. But, Sir, this was not all. The Prebendary received the round sum of £10,000 sterling paid into his private bankers for his own use, and if this sum had been added to the Church property in the shape of rent according to the value of money at that day, it would have increased the rental to £1,000 a year. Now, Sir, with this state of facts before us, with an income in the hands of the Ecclesiastical Commissioners in Ireland applied to purposes in that country which in this Protestant land have been declared by this House to be inapplicable and inexpedient, what difficulty can there be in dealing with that income if necessary in aid of any measure calculated to produce ecclesiastical equality—at least, in externals—amongst the ministers of all religious denominations in Ireland. Sir, I have already stated that I desire to treat this question altogether in a political and social point of view, and I may beg leave to add that I would take no part in it if I thought it was intended as an aggression upon the Anglican religion in Ireland, or as an aggrandisement of the religion of the Roman Catholic, Presbyterian, or any other denomination. I am decidedly in favour of adopting a broad and comprehensive plan by which you would equalize the position or ecclesiastical status of the ministers of all religious denominations in Ireland. Let Parliament so legislate that the Established Church, the Roman Catholic, the Presbyterian, the Unitarian, and every other religious communion can endow their respective Churches with real and personal property to a limited extent and subject to certain conditions, and at the same time let all Church distinctions be abolished, and complete ecclesiastical equality established as regards the *personnel* of ministers of religion. Let every clergyman in Ireland have his glebe house and land attached, and subject to this allow the voluntary principle to have full action, and the personal wants and requirements of the clergy to be supplied by their own flocks. Unless you have some such tangible and appreciable sign or type of

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equality throughout the land, you never can persuade the great mass of the population of Ireland that their Church or its ministers have as good a position as the ministers of the Church of England or the Presbyterian body. Let Parliament show that by legislation such as this they are anxious to deal with this important and all-absorbing question, not as a sentimental grievance, but in a spirit of impartiality and goodwill, and the mere evidence of such an intention, *bonâ fide* entertained, will do more to win the affections of a warm-hearted people and produce more real benefit than all the penal laws and restrictions that can be devised. Act on the principle of ecclesiastical equality and you will have peace instead of disaffection and discontent in Ireland.

Mr. LEFROY said, he admitted the moderate terms of the Motion and the temperate way in which it had been brought forward on the present occasion by the hon. Member for Kilkenny; but the House were bound to look a little further, and contrast this with the language which had been used by the hon. Gentleman on former occasions, as well as with the language of the Roman Catholic clergy in speaking upon this question; and then he feared it would be found that the object was the same—the destruction of the Established Church in Ireland. The Roman Catholic Bishops at the National Association passed a resolution demanding the disendowment of the Established Church in Ireland as a condition without which social peace and stability and unanimity of sentiment for national objects could never exist. Cardinal Cullen had held similar language, denouncing the Church Establishment as a badge of national servitude, offensive and degrading; and Dr. McHale also declared that the Catholic people would not be content until the Irish Church was abolished. But such was not the language of Dr. Doyle when the Roman Catholics were asking for Catholic Emancipation. It was the opinion of Dr. Doyle that the removal of the disqualifications from Roman Catholics would lead to peace, and remove the jealousy which was entertained against the Established Church. What right had Parliament to break in on the Church Establishment which already existed? Lord Plunket, in one of his speeches, said he would not assert that the property of the Irish Church should never be interfered with, but the property of the Church and

of individuals stood upon the same footing; and Lord Plunket emphatically said, "Let the landholder look to himself, and the fundholder take care of himself if Parliament began by taking the property of the Church;" and he added that he had no hesitation in asserting that the existence of the Protestant Establishment in Ireland was a bond of union between the two countries. The greatest authorities had declared that the Irish Church could not be disturbed without danger to the general security of property in the two countries. The right hon. Gentleman the Member for South Lancashire thought it desirable to postpone action until a future time; but he had expressed opinions that night which had, indeed, astonished him, and which were in direct opposition to those laid down in the right hon. Gentleman's remarkable book on the *State and its Relations with the Church*. The House might reasonably have expected to hear the right hon. Gentleman (Sir George Grey) rise to reply to the right hon. Gentleman, for they could not have forgotten the speech of the right hon. Baronet in the Session of 1865, in which he said—

"Her Majesty's Government have no hesitation in saying that they are not prepared to undertake the responsibility of proposing to Parliament a Bill calculated to effect that object. They believe that this object cannot be obtained except by means which must inflict great injury upon Ireland, and involve the country in the risk of very great dangers. The object can only be effected by exciting the bitterest animosities in that country, by producing a conflict of opinion—and I do not say that matters would stop even there—which must throw back the improvement of Ireland to a great extent, and must retard to an indefinite time the arrival of the period that we are sometimes inclined to hope for, when Irishmen, irrespective of creed and politics, will combine together with unanimity and energy to promote the moral, social, and material well-being of their country."—[3 *Hansard*, clxxviii. 398.]

With regard to the revenues of the Irish Church, they had been grossly exaggerated, as had been pointed out by Lord Althorp; and although reflections were sometimes cast on the clergy, Lord Brougham and other authorities had testified to their exemplary conduct, and to the valuable services which they had rendered towards Ireland. With reference to the observation of the hon. Member for Cork (Mr. Murphy), that the Church in Ireland was distinct from the Church in England, he had only to say that the Act of Union left no doubt as to the intimate union between the two branches of the Church, which was, in fact, "the United Church of England

and Ireland." He hoped the House would duly consider the importance of this question, and would not allow itself to be committed to a rash attempt to overthrow the Irish Establishment, but that it would preserve inviolate, rights which were indisputable and which ought to be held sacred.

MR. LAMONT said, he would not have risen to take part in this debate were it not for the strong appeal which had been made to Scottish Members to support the Motion on the ground of doing to others as they wished to be done by. If there was any body of Gentlemen who were bound to give an unqualified approval to the Motion of the hon. Member for Kilkenny, it was, in his opinion, the Members from Scotland, because the peace, contentment, and goodwill which prevailed in their country were mainly to be attributed to the fact that, owing to the exertion of their forefathers, the religious establishment there was in harmony with the feelings of the people. If the attempt which had been made by the Stuarts had succeeded, he had no doubt the condition of Scotland now would be similar to that of Ireland. There might now be in Scotland perpetual discontent, perhaps insurrection, perhaps assassinations. ["Oh, oh!"] There had been such things in Scotland for many years during the 17th century, while the attempts to which he had alluded were persisted in, and if, as he had said, those attempts had been successful, there might be now in Scotland, as in Ireland, general discontent and martial law. Believing that the Established Church was the primary cause of the evils which prevailed in Ireland, he would cordially support the Motion of the hon. Member for Kilkenny.

MR. SYNAN: The Motion in reference to the Church Establishment in Ireland has been so often debated in this House that it would be impossible even for the most ingenious mind, or the most eloquent and inventive genius, to add any novelty to it, or to present it in a new and original aspect. The arguments in support of the Church Establishment in Ireland are so bound up with religious prejudice and passions—so interwoven with the unfortunate history of that unhappy country—so knit into the hateful spirit that still animates the ascendancy party in Ireland that, instead of argument, they have become irrational and blind, convictions and instincts against which it is in vain to

argue, for they offer nothing to a reasonable mind to argue upon. The Church Establishment must be maintained, it is said, to keep down the power of the Church of Rome, to preserve the existence of the Church Establishment in England, and to maintain union between the two countries. Every Protestant who is opposed to the Establishment is called a Papist in disguise. Every Protestant clergyman who does not defend it, or who argues against it, is denounced as a Jesuit in disguise, and every Roman Catholic who calls for its modification or disendowment, as a necessary condition for the peace and prosperity of Ireland, is hunted down as a traitor and a rebel, who wants to set up the Roman Catholic Church in its stead. I oppose the Church Establishment in Ireland because, in my opinion, its continuance will produce with certainty the very results its blind, and selfish, and interested votaries prophecy from its overthrow. Nothing, to my mind, is more calculated to keep up the spirit of hostility to the Act of Union than to make it an argument for the maintenance of the Irish Church. Nothing is more likely to bring the Church of England into odium, and to provoke hostility to it than to bind it up with, and make its existence depend upon, the domination of the church of a small minority in Ireland. Nothing can tend more to add to and increase the power of the Roman Catholic Church of Ireland than to endeavour to uphold by State power, unsupported by conscience, an establishment in Ireland, merely as a rival, set up by the State against the people. It has been the fashion to call this and other questions connected with Ireland sentimental grievances, as if all grievances were sentimental that could not be measured by pounds, shillings, or pence. In my opinion the greatest and most intolerable grievance to a free and high-spirited people is the insulting badge of inferiority. But if there are sentimental grievances, are there not sentimental privileges. If the Church Establishment is a sentimental grievance to the people of Ireland, is not its existence merely a sentimental privilege to the few Protestants of the Establishment in that country? Of course, I exclude the future recipients of the income of the Church. I admit that is not sentimental. But I suppose nobody will argue that the Church Establishment is to be maintained merely for the future Bishops, deans, and clergy who are to receive £700,000 a

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year. Now, if for the sake of laying the foundation of tranquillity, order and union of classes, and prosperity in Ireland, a sacrifice should be made, which ought to be first sacrificed—the sentimental grievances or the sentimental privileges? I say, at once, the sentimental privileges, and I therefore call upon the educated classes of the Protestants in Ireland to make a willing sacrifice on the altar of their country of those shadowy and imaginary and sentimental privileges, or rather prejudices and passions of a bygone age, that separate them from the rest of their fellow-countrymen, and prevent a complete fusion and union of the Irish people Catholic and Protestant. It has been sometimes said by the advocates of the Church Establishment that the Roman Catholics are estopped by the Act of Emancipation, and the evidence of the witnesses examined before the Committee of the Lords, and also by the arguments and promises of Mr. Plunket and others at that time, from seeking for a change in the Irish Church, or using any constitutional means for that purpose. In the first place, I deny that the arguments or evidence of our ancestors half a century or a century ago can in any manner bind us; secondly, I deny that those arguments and that evidence had any reference to constitutional changes; thirdly, the change in the oaths prescribed by the Emancipation Act is a conclusive declaration by this House that the Emancipation Act was not final; and fourthly, I assert that it is a constitutional principle not to be denied or qualified, that Acts of Parliament are founded upon expediency and utility, to be altered, amended, or repealed according to the circumstances of the times. So it is with Reform; and as the Act of 1832 is no longer considered final, so the Act of 1829 cannot be so considered, unless there is a difference made between the English and Irish subjects of the Queen, and that the rights and liberties of the former are to be extended, while the disabilities of the latter are to be continued. I do not think any person in favour of the union of the two countries will advance that argument. If any person does so he immediately agitates for a repeal of the Act of Union. The Irish people ask for and demand civil and religious liberty—their right to do so is not qualified or controlled or limited or taken away by any Act of Parliament. It is inalienable—they have it under the Consti-

tution, and they have not and cannot forfeit it by any act of their ancestors, any more than their British fellow-subjects. "Until men," said Fox, "have obtained all they have a right to ask for, they have obtained comparatively nothing." Another argument is advanced, which I may as well get rid of and put out of the way before I come to the discussion of the real questions connected with the present Motion. It is what may be called the argument founded on orthodoxy. It is alleged by some ignorant, unscrupulous, self-interested Churchmen and their advocates that the Irish Church Establishment is entitled to the temporalities on the ground that it is the successor of the primitive Catholic Church in Ireland. Now, if this were as true as it is false (and as any man thoroughly acquainted with the ecclesiastical history of the country can prove it to be), in would not in the least help the Irish Church Establishment. All the Protestant Church authorities who have written or spoken on the subject have prudently and wisely laid down this fundamental principle as the basis of a State establishment—"Its utility in giving religious instruction to all classes of the people." Warburton, Paley, Whateley, are the leading Protestant Church authorities on that head. In fact, it is an admitted principle, disputed by no Protestant authority, lay or clerical. Bacon, McIntosh, Brougham, Macaulay, Sir Robert Peel, Lord Palmerston, Sir George Lewis—all Protestant authorities—state the question to be, "Not whether religion be true, but whether it is the religion of the country." And they have done so very wisely, for they all knew that the Protestant Church Establishment was founded on the Acts of Henry VIII. and Elizabeth. And so Bacon says, in reference to Acts of Henry and Elizabeth—"As the realm once gave tithes to the Church, so the realm since again has taken away tithes from the Church." Of course by the realm he means the Parliament, which as far as Ireland was concerned was not the realm, and did not represent the realm. Now what an Act of Parliament did in the time of Henry and Elizabeth an Act of Parliament may do now. But, in truth, the argument was overruled in the time of William IV., for the Irish Church Temporalities Act of that reign, the 3 & 4 Will. IV. c. 37, dealt with the Church Establishment as too large, and destroyed several archbishoprics and bishoprics. The same argument which

enabled Parliament to disendow a part enables it to deal in the same manner with the whole if public utility required it. It is a question of degree and convenience, and accordingly in the present reign 25 per cent of the Church property has been taken away. The truth is these arguments deceive nobody—they are not believed in—they are the mere pleadings of advocates intended to colour and set off an untenable case; and accordingly whenever the Church property of other countries is concerned (say Spain or Italy) these advocates cry out that the church property is public property, and ought to be dealt with as such. Yes, the argument of Exeter Hall platform in this House is, that the property of the church of the people in Spain and Italy is public property, and may be dealt with by Parliament as such, but that the property of the church of a small minority in Ireland is private property—is something sacred, and beyond the reach or power of Parliament. The argument requires only to be stated to be answered. It answers itself. It is simply ridiculous, and only suited to the religious temperament of one or two Members of this House and the atmosphere of Exeter Hall. But the strong fortress in which the Church Establishment of Ireland shuts itself up as a garrison, and behind which it entrenches itself and defies the people, is the Act of Union. They call that Act a treaty—final and irrevocable—to be enforced against the people of Ireland by the wealth, the power, and the army of England. Now, I ask between whom was the Act of Union a treaty? If it was a treaty, the people between whom it was made were free and independent to make it and are now free and independent to maintain it or to violate it as may best suit their honour and their interest. Is that so? Every constitutional lawyer knows that it is not so as a matter of constitutional law—and every intelligent man knows it to be false as a matter of fact. The Act of Union is a public Act of Parliament—carried by force, fraud, corruption, by £3,000,000, and an army of 50,000 men. I do not wish, unless forced to do it, to stir up the embers of national animosity—I wish to let bye-gones be bye-gones, to bury, if I am allowed, all cause of national hostility in oblivion—to endeavour in this House, and out of this House, to create more amicable relations between England and Ireland—to make the union

a reality—a union of interest, of honour, of glory, and not a one-sided measure of power and advantage and gain on one side, and of poverty, misery, and shame on the other. It is for this House to declare that they will aid us in that result. What was the opinion of one of our greatest statesmen upon this argument of treaty and finality? The late Sir Robert Peel said—

“If we are convinced that the social amelioration of Ireland requires an alteration of this law—a departure from that compact—are our legislative functions so bound up that we must maintain the compact in defiance of our convictions? I, for one, am not prepared to contend for that doctrine.”

If the Imperial Parliament is not competent to deal with the Act of Union, then you must remit the question back to the people, and if the people of Ireland pronounce that this Act was never binding as a treaty, and ought to be repealed, what will the advocates of the Church say? I hope the House now sees the consequences of the arguments of the supporters of the Church Establishment in Ireland, and that it will now take decisive steps to assert its power, and remove the source of so much danger, not only to the peace of Ireland, but the integrity of the Empire. But, then, an appeal, *ad misericordiam*, is made to the Church of England. It is said they are called the United Church of England—support us, or an attack will be made on yourself. This appeal from the Church of Ireland to the Church of England is like that of the owner of a banking concern to a solvent man in some trade—that unless the bankrupt was saved the trade would suffer. If the solvent man is a rational being, he answer my customers are not your customers, and my trade will not in the least suffer. So, if the Church of England is wise, it will say—my supporters are the English people—my churches are the churches of the English people, and I will not join in your bankrupt concern. I do not believe that any such false movement will be made by the Church of England, or that it will be so rash, so insane, so reckless as to place itself in the same boat with the Church of Ireland, and resolve to sink with it. But if it does—if it attracts to itself the scandal and the odium of supporting the Irish Church through good and ill in its anomalous position—however it may prop that church for a short time, it weakens its own position with the people, and perhaps

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ultimately endangers it. In my opinion, the disendowment of the Irish Church would be the source of strength to the English Church, inasmuch as it would for ever remove a perpetual and unanswerable argument against a particular establishment that is continually made an argument against itself. The Church of England is the Church of the people, and the removal of the Church of the few in Ireland would strengthen its position as an establishment. If the Church of England had been forced on the Scotch people, I firmly believe that the consequences would be that it would cease to be an establishment itself. But then it is called a missionary church, and it is argued that it has discharged its duty as such, and should be maintained to proselytise the Irish people. Now, let us see how this missionary church has discharged its duty? Two centuries ago, it found the population of Ireland 800,000 Roman Catholics and 300,000 Protestants, or in the proportion of two-fifths; and if the same proportion had been maintained, the Protestant Church population would now be 2,400,000 instead of 693,000. This missionary church has, therefore, succeeded in reducing Protestants from 2,400,000 to 693,000, while the Roman Catholics have increased from 800,000 to near 5,000,000. It would appear, therefore, that this missionary church has been providentially the instrument of adding to the members of the Roman Catholics, and of making no converts to itself, but, on the contrary, of making converts to the Roman Catholic Church. Of course, I do not complain of that. I rejoice in it; but one need not pay £700,000 a year to produce that effect. It cannot be said that it was for want of power it failed, because for 300 years it had all the power of the State in its hands. The Church of Ireland had been, I may say, the Government of Ireland for three centuries; the Penal Laws were all passed for the “good of the Church,” to use the words of Dr. Marsh. In his *History of the Irish Church* Dr. Mant has admitted all this. And yet the fruit of all this power—the result of all the persecution against the Roman Catholics for the good of a State Church has been that the Roman Catholics have “increased and multiplied,” and the Protestants have withered away under the curse that a just Providence has pronounced against tyranny and injustice in every age and nation—whether that tyranny was

temporal or spiritual, or both. Oh, but it is said, the proportion of Protestants to Roman Catholics has increased from 10 to 11·7 per cent, or 1 per cent from 1834 to 1861. I must say that I am humiliated, pained, ashamed of such an argument in the mouth of Christian churchmen. How has this increase been obtained? I will tell the House—by famine, pestilence, eviction, and emigration. 2,000,000 of Catholics have been swept away, and a Christian Church exults over their destruction as a gain by conversion of 1 per cent! It calls plague and death its agents, and cries out behold our converts! Behold the increase of 1 per cent by the agency of a missionary church! Oh, shame on such arguments. Shame on the spirit, worse than that of Attila, that dictates them. But has the Protestant population increased from 1834 to 1861? No; it has diminished by 114,000. Possessing the wealth and fat of the land, and commanding the power of a State Church, it has diminished, and that diminution is an answer, final decisive, unanswerable to this argument in behalf of a missionary church. But it is still asserted by the advocates of the Church Establishment that they have made a few converts—where and how? Among the famine-stricken population of the Connemara highlands of the Western coast, by the material agency of soup and bread to a starving family, who, the very moment they can get food elsewhere, return to the creed from which they have been shamefully proselytised. These are not my words; I do not state this on my own authority. I give it on Protestant authority—Dr. Bicheno, an English traveller, Dr. Webster, Protestant Archdeacon of Cork, and the very able pamphlet on the subject by an Irish Protestant Peer in 1865. I think I have sufficiently proved that the Irish Church Establishment has totally failed both as a State Establishment or a Missionary Church; and if reason and argument and sound policy are to decide this question, there can be but one opinion, and that is—its disendowment. I may be allowed to add that the funds for the purchase of soup and bread to proselytise the abandoned characters or the starving peasantry (to use the words of Dr. Bicheno) are not subscribed by the Irish Church Establishment. Oh, no! it is too wise, too prudent, to waste any of its £700,000 a year on anything so foolish, so useless. The

English Missionary Society subscribes the funds, and the Irish Church Establishment applies them; it buys the soup and bread and distributes the tracts. It leaves the part of the “simplicity of the dove” to be played by its gullible and wealthy dupes in England, and it keeps “the wisdom of the serpent” to itself. I now come to the main part of this question which has been so fully, and, I may say, so exhaustively treated, by my hon. Friend the Member for Kilkenny as to require no lengthened development from me. I shall confine myself to answering the fallacies of the hon. Members who endeavour to answer my hon. Friend and to a concise summary of the figures which prove the anomalous—the monstrous and indefensible position of the Irish Church. The gross receipts of the Irish Church, exclusive of Trinity College, are £711,162 according to the heads of the Church itself—the Primate and Archbishop of Dublin. I will come to their mode of making out a net income presently. There are 1,510 benefices altogether, and let us see how the revenue and population is distributed amongst them. 615 benefices possess a revenue of £257,000, or about £31 per family; 229 possess a revenue of £83,071, or £131 12s. per family, and 114 a revenue of £36,365, or £178 per family. If among these benefices you include the rector's family, you will not have one family for each. There are, therefore, nearly 1,100 benefices out of the 1,500, where the average Church population is only one family (exclusive of the rector), and the income of each of which varies from £100 to £400 a year. There are 199 parishes in which there is no church population at all. And the Irish Church, in order to get over the scandal of having an income out of a parish without any church member in it, has recourse to the original mode of uniting to it two other parishes in which there may be one or two families of the Church Establishment, and thereby forming what they call a benefice. I have read of a Roman tyrant who tied the living and the dead bodies together, and so the Irish Church ties the living and dead parishes together. But this is not the only device the Irish Church has recourse to in order to make out a church population. Its advocates in this House and elsewhere endeavour to make us believe that each benefice has a church population of about 400. How do they make that appear? Very

simply and very conclusively for their Exeter Hall dupes. They take the whole church population of Ireland and make a dividend of it, and they take the number of benefices and make a divisor of it, and the quotient, they say, is the church population of each. It becomes an abstract arithmetical proposition, and they endeavour to make it appear a concrete arithmetical fact. Thus—if you divide 1,510 benefices into 600,000 Protestants, the quotient number will be 400. But do the 400 really exist in each benefice? No; they are purely imaginary creations—they are the men of buckram of Falstaff—they are the Ulster Protestant and the Connaught Protestant joined together to make a Churchman in a parish where there is none. This is the mode in which the Irish Church advocates make out a congregation. But the matter does not stop here—after all their ingenuity they cannot succeed in making each benefice contain a churchman in the South and West. In a pamphlet written by Rev. P. Dwyer, Vicar of Dromcliffe, he is obliged to admit that there are seventeen benefices without any Churchman, and yielding an income of £100 to £300 net, and I will presently come to show how the net is made out. And the Primate Beresford admits one, which in all makes eighteen benefices without a Churchman, notwithstanding the ingenious mode of overcoming the difficulty I have referred to. Now I come to the ingenious manner in which the Irish Churchmen make out an income of only £420,000 a year instead of £700,000 a year. They deduct the curates' salaries—they deduct all fees for all ecclesiastical purposes whatever, and make out a net income of 30 or 40 per cent less than the gross—that is, they allow 30 or 40 per cent for doing the little that is to be done, and call the revenue that only which they have to spend on themselves personally or to save. Perhaps the House would wish to know the amount of personal property alone left by twenty Bishops from 1822 to the present (as extracted from the Registry of Court of Probate), it amounts to £861,868, or £43,093 for each Bishop. And this is exclusive of the real property which may represent as much more. The late Mr. Grattan, in 1842, produced statistics on the church debate of that Session extracted from the probates of will in the Registry Office, which showed that ten prelates left £1,575,000 to their descendants. I am not surprised that there

should be such a stand made in some quarters for the maintenance of the Irish Church. One more fact and I shall cease to trouble the House with statistics, and that will be the percentage of the church population in Connaught and Munster. In Connaught it is as follows:—Tuam, 3 per cent; Achonry, 3 per cent; Killala, 5 per cent. In Munster, Limerick, 4 per cent; Cork and Ross, 3 per cent; Cloyne, 2 per cent; Cashel and Emly, not entirely 2 per cent; Waterford and Lismore, $1\frac{1}{2}$ per cent; Killaloe, 5 per cent; Kilfenora, 1 per cent; Clonfert, 4 per cent; and Kilmacduagh, 1 per cent. Thus, in Connaught and Munster, the percentage of the Church population is only from 2 to 3 per cent for a revenue of £170,000 gross or £122,000 net. One only argument remains to the advocates of the Church, when they are driven out of their other assumptions, and that is, that the proprietors in Ireland are Protestant, and that the rent-charge is paid by them. In the first place the statement is not true, for 42 per cent of the Irish proprietors are Roman Catholics. If the rent-charge is the property of the proprietors there may be some force in this argument. But is the rent-charge the property of the Protestant proprietors? Of course it is not. In the words of Grattan, "it is the salary of prayers and not the gift of God independent of duty." It is public property to be used by the State for the support of the Church of the people, and if there be no such Church, then to be applied by the State as Parliament may direct. I say it is the property of the Irish people, and to be applied for their benefit by Parliament. It has been the habit to taunt us with bringing forward no scheme for the appropriation of the revenue of the Irish Church. I deny that it is the duty of any private Member of this House to propose any such scheme. That duty and that responsibility rests with the Government, and after the eloquent denunciations of the Irish Church by the right hon. Gentleman the Chancellor of the Exchequer, one would expect that such a scheme should come from a statesman of his great ability, daring originality, and vast resources. I know no statesman that could deal with this question with more advantage to the Empire or more likelihood of success, than the right hon. Gentleman. But the right hon. Gentleman the Leader of the Opposition has denounced the Irish Church in

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equally eloquent terms, and when I see those two right hon. Gentlemen both agreeing in their condemnation of that Establishment, I am naturally surprised that no attempt is made by either of them or by both to settle this question, the settlement of which would give peace, order, and stability to the Empire at large. It is a melancholy reflection if those great intellects that were given by Providence for the attainment of great objects should be turned from the great end they should have in view, and "give up to party what was meant for mankind." On the question of the Church our ancestors by twenty lines of an Act of Parliament gave peace to Scotland. Twenty years ago the late Sir Robert Peel followed that great example and settled the clergy reserve fund by appropriating it for the benefit of Canada. Mr. Canning said—

"It is worth our consideration whether, after we have removed the chain from the limbs of the Catholics of Ireland, we ought to leave a link or two behind them, to remind them that they were once in fetters."

I tell the House that this is the link that will continue to gall the limbs of the Catholics of Ireland until the pain becomes intolerable, or the link be removed. These are great authorities and great examples worthy of our imitation. Let us then rise to their level; let us act worthy of the occasion; let us adopt a bold and enlightened policy suited to the subject before us, and the growing greatness of the Empire; let us place before ourselves

"Some vast and general purpose

To which particular things must melt as snow," and all difficulties and opposition will cease, and the nation will applaud our act, and recognise us as the Parliament that laid the foundation of the complete union of Ireland, and the permanent consolidation of the Empire.

LORD NAAS: I might have been well content to rest the matter on what has been said by my right hon. and learned Friend the Member for the Dublin University (the Attorney General for Ireland), for I think the reasons he gave for his opposition to the Motion of the hon. Baronet the Member for Kilkenny (Sir John Gray) are conclusive and satisfactory. The Motion, as I understand it, is not one to reform or get rid of anomalies in the Irish Church, but is directly intended to disendow that Establishment altogether. There can be no misunderstanding on the subject; the

remarkable speech delivered to-night by the right hon. Gentleman the Member for South Lancashire has entirely confirmed me in that opinion, for his speech pointed to the absolute and complete disendowment of the Irish Church, and if it did not point to that object, it pointed at nothing at all. The right hon. Gentleman said that the position of the Irish Church was indefensible, and ought not to continue, because it was the Church of the minority; and therefore we must dismiss from our consideration to-night any of those anomalies and inequalities which may be found in the Church of Ireland, and devote our attention to the question whether she ought or ought not to continue to exist. If the arguments that have been used against the Irish Church by hon. Gentlemen opposite are right that Church ought no longer to remain; but if our view of the question is right, the Irish Church ought to live, as it has for centuries, as a National Establishment. The issue is plain. While listening to the speech of the right hon. Gentleman the Member for South Lancashire it struck me that his arguments tended very much, if not altogether, to the principle that all Establishments should rest on the principle that a National Church must be the Church of the majority; and I defy him, with all his talent and all his power of argument, to maintain that principle, and at the same time support the Establishments of this country and Scotland. The more this question is looked into the more we shall find that hon. Gentlemen who take that line of argument must declare hostility to all religious endowments. I do not wish to weary the House by going back to matters of history in connection with the Church of Ireland, but I will take its position as we now find it. I must, however, remind the House that the Irish Church is an Establishment that has survived changes of dynasties, and the effects of revolutions. Solemn contracts with regard to her safety are spread over every page of our history. Her existence has been guaranteed and sanctioned by Stuart Kings and Williamite Generals, and made the subject of treaty and Parliamentary contract. The right of the Irish Church to possess her property is based upon a foundation that is the same as that of any estate in the kingdom. I do not wish to go back to history; but I would remind you of agreements and compacts by which

in our own time that property has been secured. The maintenance of the Irish Church was made part of the great settlement which took place at the Union between the two countries. It was an implied contract in the time of Emancipation. When in 1829 the claims of the Catholic subjects of this realm were fully recognised, all those authorized to speak in their behalf expressed their desire to enter into the most solemn contract with regard to the maintenance of the Church; when the Temporalities Act was passed Parliament again sanctioned the contract, and expressed in a broad and distinct way its opinions that its existence should be maintained. Therefore, whether you look at the question of the property of the Church of Ireland as a matter either of ancient prescription or modern Parliamentary contract, I maintain that the possession of property by that Church rests upon a basis which has been more repeatedly sanctioned by the Legislature than any other property in the country. If this be so, let me ask you can this property be touched or taken away by any other process than that of confiscation? I state boldly that it cannot. I admit the right and power of Parliament to deal with any property in the country. That cannot be denied. Parliament is all-powerful. But, at the same time, that right does not prevent an Act of Parliament from being an act of confiscation. That is a rude remedy. The confiscation of property has always been the favourite resource of the despot and revolutionist, and there is no country in the world that has suffered more in this respect than Ireland. It is therefore with some surprise that I see so many Irishmen in favour of what is as gross an act of confiscation as ever was perpetrated under Cromwell or William. Under what circumstances is this confiscation to take place? I apprehend nobody will deny that the revenues of the Church of Ireland are a charge upon the land, and not a tax. I confess I listened with astonishment to the right hon. Gentleman the Member for South Lancashire when he described the property of the Irish Church as payments made out of the public purse. How one of the greatest financiers of this country should have described a charge upon land which has been in the possession of the Church for many centuries as a payment out of the public funds I am at a loss to understand. I believe there never was so

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gross a mis-statement of the real facts of the case than is involved in such an assertion. In no sense or degree do I believe it to be a payment out of the public purse. The Church property is not a tax but a reserved rent. I shall quote an authority upon the point which I do not think hon. Gentlemen opposite will dare to impeach. The words are those of Sir George Lewis, one of the closest reasoners who ever sat in this House. He spoke thus of the exact position of this property, and the terms in which it should be described—

“The tithe grievance is commonly stated to be that Roman Catholics are compelled to contribute, by the payment of tithes, to the support of a Church from the creed of which they differ. But,

(and this was before the passing of the Church Temporalities Act)

in fact, although they may pay tithes, they contribute nothing, inasmuch as it is in Ireland tithe is in the nature not of a tax but of a reserved rent, which never belonged either to the landlord or the tenant.”

This high authority, at all events, shows that to characterize the property of the Irish Church as being a payment taken from the public purse is as far removed from the real truth of the case as anything that could be imagined. But let us suppose that the proposition brought forward to-night should be sanctioned, whom, allow me to ask, ought we in the first instance to consult? Recollect what the real nature of this property is. If it is desired to alienate this property surely we ought in the first instance to consult those persons who pay it. But we find that these persons are certainly not averse to its present disposition and do not desire its confiscation. You therefore propose to alienate this property altogether, in defiance and in opposition to the wishes of the great majority of the very persons who pay it. I think that the position of this property has been erroneously described in more quarters than one. The whole of the arguments connected with the subject rests, I think, upon this basis—what is the nature of this property, and what are the sources from which it is derived? I read, the other day, a very able letter written by a right rev. Prelate with whom I am acquainted, and for whom I entertain great respect—Dr. Moriarty, Roman Catholic Bishop of Kerry, and I was astonished to find in a letter which discusses the subject with great force and ability, and at the same time with great temper—a letter containing strong views, but

which are not stated offensively—in that letter I was astonished to find so acute an arguer as the right rev. Prelate make use of the old and oft-refuted statement that the Irish Church was the forced maintenance of the religion of the minority by the vast majority of the people. That right rev. Prelate states that the Roman Catholics as a body contribute to the support of the Protestant clergy and the Protestant Church. Now, I maintain that that statement is entirely incapable of proof. I admit that in Ireland Roman Catholic occupiers are by far the largest majority of the occupiers of land, and that Roman Catholics constitute the numerical majority of the people; but do the Roman Catholic occupiers of land or the Roman Catholic people of Ireland pay for the support of the Established Church? I want to have that question answered. Any man who stands up in this House and tries to prove that they do, will entirely fail. Would the Roman Catholic occupier have his land a penny cheaper if the Established Church were swept away to-morrow? I answer, No. In old times the Roman Catholic occupiers were obliged to pay a certain tax for certain purposes in connection with the Established Church, but Church cess has long been swept away, ministers' money is abolished, and it cannot be said that the people of Ireland are called upon to support the Established Church. The property of the Church is a charge on the land, and nine-tenths of the land belongs to Protestants. We have heard a great deal to-night about the question of religious ascendancy. Now I have never, either in this House or elsewhere, stated that I considered religious ascendancy was a thing that was good. I believe that no such thing practically exists in Ireland; and I was astonished to hear the right hon. Gentleman the Member for South Lancashire say that in Ireland there was an ascendancy of one class over the other. He has dilated in eloquent terms upon the terrible evils of this supposed ascendancy; but if these really exist, how came it about that he and his party never sought to remedy such gigantic grievances? The party opposite sat upon the Benches we now occupy with little intermission for the last thirty years, and I have always observed that when the question of the Irish Church was brought forward they were the first to say that the time for considering the proposition was inopportune. It there-

fore ill becomes them to come forward now, the first moment they are in opposition, and declare that such a grievance as that of religious ascendancy exists along with its concomitant evils; seeing that for years they sat here, not only without making any protest or taking any steps to have those evils redressed, but they almost invariably openly opposed or indirectly thwarted Motions brought forward on the subject. The right hon. Gentleman the Member for South Lancashire complimented the hon. Member for Kilkenny upon the Motion he has brought forward. He said to that hon. Gentleman that the change he proposes was most wise and beneficent, and that he hoped the hon. Gentleman would live to see his suggestions carried out. But how, let me ask, were the intentions of the hon. Member for Kilkenny regarded by a most distinguished Colleague of the right hon. Gentleman the Member for South Lancashire in the year 1865? What did that Colleague, sitting in the same Cabinet, and equally responsible for the action of the Government, then say? He said—

“We have the Irish Protestant Church established as an existing institution in Ireland. It is not of recent creation; it rests upon the prescription of centuries. The firm belief of the Government is that it could not be subverted without revolution, with all the horrors that attend revolution.”—[3 *Hansard*, clxxviii. 490.]

That was the opinion of the right hon. Gentleman the Member for Morpeth (Sir George Grey), who, a Secretary of State, sitting at that time on the same Bench as the right hon. Member for South Lancashire, declared that the change which the right hon. Member for South Lancashire considers wise, desirable, and beneficial, was a change that could not be carried out without bringing all the horrors of a revolution in its train. What can be said of a party who changes its opinions so soon, and which now repudiates the principles which they adopted two years ago? But there is another point worthy of observation. Hon. Members opposite have made up their minds to disendow the Irish Church, and to confiscate her property; but they have been unable to determine to what purpose they will apply the funds so obtained. Some say they ought to be taken for national purposes; but it is hard to see what these purposes are. Others have gone the length of saying that the revenues of the Irish Church ought to be

was, that in point of equity the tithes were the property neither of landlord nor tenant, but of the Irish people, and that not for any imaginable purpose, but strictly for the ecclesiastical and religious purposes of the nation. Then, again, the stale and threadbare argument that the Act of Union debarred Members from even looking at this question had been revived; and if authority was appealed to, they were told to look to the late Lord Plunket. He was perfectly ready to consult the opinions of the late Lord Plunket, not only because he was a great and liberal Irishman, but because he, though a defender of the Establishment in Ireland, had supported the Appropriation Clause thirty-five years ago. In all probability had that eminent Irishman lived a few years longer he would have been found supporting the course taken at this moment by the Opposition. In one of his speeches, Lord Plunket treated with the greatest contempt the assertion that the Act of Union had debarred the Legislature from dealing with the temporalities of the Irish Church; on the contrary, he held that the Act dealt only with the doctrines and discipline of the Church, and left Parliament at liberty to deal with the temporalities. The best proof that such had been the general understanding of the country was that a former Government, under the guidance of a noble Earl (the Earl of Derby) whose name must have weight with Members at the other side of the House, carried a measure dealing in a most stringent though inadequate manner with the temporalities of the Irish Church. Coming to the great question, so properly brought before the House by his hon. Friend the Member for Kilkenny (Sir John Gray), he agreed with his right hon. Friend the Member for South Lancashire that the question had not yet reached a stage at which it could be practically dealt with, though its vast and pressing importance was becoming every day much clearer to the mind of this country. The circumstances of Ireland, the intolerable and continued presence of sedition and disaffection in that country, called for a conscientious examination by Parliament, and for the making of all needful sacrifices; and few could doubt that as soon as the great question of Reform upon which the country was now engaged had been disposed of, the ecclesiastical condition of Ireland would come forward for prominent consideration. It was most important to keep steadily in

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view the real condition of the case. It would be a misfortune to treat this as if it were a new question whether a certain Establishment was legitimate at the present moment or not; or whether, as in the case of England or Scotland, one out of many Protestant denominations ought to maintain its pre-eminence. The Protestant Established Church in this country was surrounded by many Protestant Dissenters, who declined, on conscientious grounds, to avail themselves of her ministrations. But her influence extended far beyond her own pale, and her position was still one of great national strength—a state of things which he hoped would long continue. But in Ireland matters were totally different. Every argument put forward in support of the Establishment here amounted to a condemnation of it there. It was the peculiarity of the Irish Establishment that it was not one among many Protestant denominations; but an Establishment of a small Protestant minority in a country which, for the most part, might be fairly called a Roman Catholic country. Let it be remembered that the Roman Catholic body was in no true sense of the word a body of Dissenters. Arguments, no doubt, had been drawn from the ecclesiastical pedigree of a certain number of Bishops—and to his surprise that point had been imported into the debate by the learned Attorney General—with a view of proving that the Anglican Church of to-day was the veritable Church of St. Patrick. But the truth was, that it was the Roman Catholic Church of to-day which represented the ancient pre-Reformation Church of the country. The Anglican Church never had been, and was not now, the National Church in Ireland. It possessed, no doubt, all those privileges and endowments which a nation conferred upon a Church with a true national character; but it possessed those endowments, not in consequence of the will of the people of Ireland, but owing to the pressure of external power. It had been truly described as a colonial Church; and so long as it possessed the disadvantage of enjoying exceptional and unequal privileges, and was supported by extraneous power on the soil of Ireland, that character would belong to it. He dared say hon. Gentlemen would remember some characteristic and acute words on this point spoken by the late Lord Melbourne, than whom there never was a more clear-seeing man. That noble Lord

said that their ancestors had been unjustly blamed for their conduct in establishing in Ireland the Church of the minority, because he believed that if their ancestors could now speak for themselves they would say—

“A Roman Catholic population and a Protestant Establishment is a state of things we never either contemplated or intended. Our policy might be violent, our measures might be cruel, our objects might be impracticable, but still we had definite and reasonable objects in view. We intended the eradication of the Roman Catholic, and the substitution of the Protestant faith. Such was our end—such our means from the reign of Henry VIII. down to the enactment of the Penal Code. If you abandon our policy as you have done, you must abandon it entirely, and you must adopt, not only a different, but precisely the opposite course.”—[3 *Hansard*, xxx. 726.]

And he went on to say, with respect to the statement that disaffection in Ireland was a result of the exclusive privileges of the Protestant Establishment, that there was one great institution in Ireland, patent to all, which, it was admitted by all the greatest authorities, could only be defended on the principle of injustice, and which perpetuated the memory of ancient wrong, and that was the Established Church in its political character. It was this condition of things which produced the sense of an inevitably coming conflict between classes in Ireland, which poisoned almost all the relations of life, creating divisions between Protestant and Roman Catholic, landlord and tenant, magistrate and suitor, in Ireland. It had been said by a great and wise man that the truest patriotism in Ireland was forgetfulness; but it was impossible that there could be forgetfulness of the past so long as there existed in every parish and town in Ireland a state of things which practically and visibly stereotyped all those old distinctions which every true patriot would wish to obliterate, and which struck the imagination and wounded the self-respect of the great mass of the population. Bishop Moriarty, whose recent conduct in the South of Ireland they were all aware of, in a document addressed to Roman Catholics, after pointing out the extent to which Catholics of the educated and propertied classes in Ireland had become reconciled to the laws and institutions of the country, proceeded to say—

“It is not so with the millions, for whom emancipation has had no practical or appreciate result. For them the past still lives in the present—they think they are an oppressed race. England is for them an enemy's country. Patriotism, which elsewhere means a devoted love of the

laws and institutions of one's country, here means hatred of them. Political sense is all awry. Men live in the hope of what they call a deliverance of their native land. . . . Now, is there any patent wrong which can account for this most unhappy state of national feeling? There is one, and that is the Church Establishment. This is the clear proof of an unjust ascendancy still maintained by the conquering nation. This makes the Catholic Irishmen still believe that he is ruled as of old for the benefit of a few English settlers. . . . Take this wrong away, causes of complaint may still remain, but they will be such as may be found among the most loyal; they will not furnish just grounds for national antipathy or revolutionary longings.”

There are other grievances, the Bishop states; those, for instance, connected with the land question or education—

“But neither these nor any other that we suffer indicate the oppression of one nation by another. When those who defend the policy of English rule in this country think they have answered every other objection of the disaffected, one remains unanswered and unanswerable—namely, the Church Establishment.”

The object, then, which they should have in view was the establishment of real and substantial religious equality in Ireland. The present state of things appeared to him unjust, and he thought that for the peace and safety of the Empire anything was almost better than the existing condition of affairs. Yet in proposing any new settlement of the Church property in Ireland, he thought that they should endeavour to bring it about with as much consideration for the feelings and even the prejudices of those who had been long in the exclusive enjoyment of that property and of their co-religionists in England and Scotland as was compatible with the substantial justice of the case. In the next place, they ought to treat it as an Irish question. It was no doubt also an Imperial question and an international question of the gravest character; but it should be decided upon its own merits in its connection with the past history and the future condition of Ireland. It would, in his opinion, be a great misfortune if it were treated by Gentlemen on either side of the House with a view to ulterior political objects. [*Ministerial cheers.*] If that cheer meant that hon. Gentlemen opposite thought that such should be the mode of treating the question, he heartily agreed with them, and he would entreat them to approach the consideration of the subject with the single purpose of taking the last step to heal the old wound which still rankled in Ireland. He was an advocate not for the secularization of the

ancient revenues of the Church, but for their impartial and fair distribution. He was not prepared, if it could possibly be avoided, to leave the Anglican Episcopal Church in that country unendowed, while he was ready and willing to throw on it the necessity to a considerable and large extent of calling in aid the voluntary contributions of its members. On the other hand, he desired to see the Roman Catholic Church in Ireland enjoying some fair and legitimate share of the ancient ecclesiastical property of the country, while still depending, as it must largely, on the voluntary principle. He saw nothing better calculated from his point of view to embody a just settlement of the question than that contained in the Resolutions moved in the other House last Session by Earl Grey—

“That the application of the whole income derived from Church property in Ireland to the support of a Church Establishment, for the exclusive benefit of a small minority of the people of that country, is unjust, and ought not to be continued.

“That, with a view to the correction of this injustice, it would be expedient to vest the whole property of the Church in Ireland in the hands of Commissioners empowered to manage it, and to divide the net income derived from it, in such proportions as Parliament may prescribe, between the Protestant Episcopal, the Roman Catholic, and the Presbyterian Churches.”

He confessed that the general outline of that mode of settlement of this great question appeared to him to be the soundest, and he believed that on proper inquiry it would be found that the ecclesiastical revenues of Ireland would go very much further than many hon. Gentlemen supposed in conferring advantages on the religious bodies in that country. When so divided, they would not supersede voluntary support, but they would greatly aid it. He thought the great use of discussions such as this was to bring home to the minds of people the increasing necessity of doing something in the matter, of making up their minds to a great change, and to show them that they must be prepared to make sacrifices of prejudices and of opinions. He was in the habit of hearing complaints that what had already been done in the way of remedial legislation for Ireland had not been attended with beneficial results; but he could not concur in that opinion. He did not admit that Parliament had not reason for satisfaction and for hope. Injurious to the country as the Fenian movement had been, he asked the House to compare it with the civil and religious war of 1798. Again, let them

compare the state of Ireland now to what it had been some thirty years ago, when the savage conflicts took place at Carrickshock and Rathcormac. As compared with the state of feeling which existed at those periods, the House could look with satisfaction at the support received by the Executive from the middle and upper classes during the Fenian disturbances. It was impossible to look at these things without recognising the fact that the policy of justice and wisdom on which the House entered a few years ago had borne fruit, and that its results ought to encourage Parliament to proceed in the same direction. He knew well enough the difficulties under which honest and high-minded Protestants laboured in bringing their minds to consent to a great change in the temporal and worldly condition of their Church. There was a religious feeling springing out of the belief in the truth of the teaching of the Church—a feeling that was entitled to every consideration; but which must yield to the higher necessities involved in dealing justly with the Irish people. There was also the natural feeling of hereditary pride—a natural and even pardonable, though a mistaken feeling—which induced men to uphold the Church because their fathers had done so before them. But, on the other hand, they must remember that the present ascendancy of the Church was not one of a religious character, but merely a political ascendancy, founded in force, and maintained by the external power of the Government. For his part, as a member of the Established Church of Ireland, he wished to cast his lot in with that of the great body of his countrymen. He desired for his religion no privileges not consistent with the self-respect of others and with the peace and prosperity of Ireland. He, for one, should hail the day when they could arrive at a settlement of this question. He admitted that day had not arrived; but he would use his freedom as a private Member of Parliament to give his vote for the Motion of his hon. Friend the Member for Kilkenny as an expression of his individual opinion, and as a humble contribution to the settlement of a great question.

LORD CLAUD HAMILTON said, that he must insist upon his right to be heard on this question. He must remind the House that last year the right hon. Gentleman opposite (Mr. C. Fortescue) was so impeded by the shackles of office, that he

Mr. Chichester Fortescue

had felt himself unable to give his vote to the hon. Member for Kilkenny, and had confined himself to wishing his Motion a hearty "God speed." He congratulated the right hon. Gentleman upon the recovery of his freedom, but regretted that he had not been able to offer the House more convincing arguments in favour of the present proposal. Indeed, when the right hon. Gentleman attempted to touch upon what he conceived to be the ultimate settlement of the question, the indistinctness of his views afforded a very decisive proof of how completely the mind of the right hon. Gentleman was in the dark on the subject. Last Session, Earl Russell, the head of the Administration of which the right hon. Gentleman was a Member, declared his opinion that the destruction of the Irish Church Establishment would be politically injurious, and would be the commencement of a political war; but the right hon. Gentleman was now an advocate for the proposal, and he deserved to be congratulated upon his rapid and complete conversion. The right hon. Gentleman had told them what was the feeling of the Roman Catholic population and of the Roman Catholic clergy in Ireland upon the subject. He would like to ask the right hon. Gentleman whether he was prepared to set up his opinion in the House as the organ and mouthpiece of the Roman Catholic feeling in Ireland in opposition to the newspaper called *The Tablet*. He apprehended that every one interested in the Roman Catholic question knew that *The Tablet* was the recognised Roman Catholic organ, and truly represented the sentiments of the Irish Roman Catholics. *The Tablet* said that—

"The wound of Ireland is, that whereas the great majority of the people of Ireland are Roman Catholics, such a large proportion of the soil belongs to Protestants;"

and it stated further—

"We are convinced, and that upon evidence than which demonstration could scarcely be more conclusive, that if the Legislature were to confiscate to-morrow every acre of land, every shilling of tithe rent-charge now belonging to the Protestant Church of Ireland, and were to deprive the Protestant Bishops and clergy of every privilege they now possess by virtue of their position in the State Church, they would not have abated the Irish grievance or cured the Irish disease. They would only have made a change in the form of words and in the name of things."

The right hon. Gentleman had spoken of any allusion to the Act of Union as a "stale and threadbare argument." Perhaps he entertained some respect for

the views and opinions of the right hon. Member for South Lancashire; and he (Lord Claud Hamilton) invited the House to listen to a remarkable document that emanated from that right hon. Gentleman. Two years ago that distinguished statesman was a candidate for the representation of Oxford, and a friend of his, who had always voted for the right hon. Gentleman previously, before tendering his vote for him wished to know his opinion with regard to the Established Church in Ireland. The right hon. Gentleman (Mr. Gladstone) thereupon wrote a letter, in which he said—

"The question of the Irish Church Establishment is remote and apparently out of all bearing upon the practical politics of the day. I think I have marked strongly my sense of the responsibility attaching to the opening of such a question. One thing I may add because I think it a clear landmark. In any measure dealing with the Irish Church, I think (though I scarcely expect ever to be called on to share in such a measure) the Act of Union must be recognised, and must have important consequences, especially with reference to the position of the Hierarchy."

This is the stale and threadbare argument to which the late Secretary to the Lord Lieutenant of Ireland refers in such contemptuous terms. The letter proceeds—

"I hope you will approve my reasons for not wishing to carry my own mind further into a question lying at a distance I cannot measure."

The right hon. Gentleman got his friend's vote on the strength of that. Now, he should like to know from those who had heard the speech of that distinguished statesman this evening, what their opinions were concerning this fixity of view on this or any other subject. In his remarkable speech the right hon. Gentleman did not propose any half measures, but said that if all anomalies were removed the case would only be rendered still more offensive. He gave them various reasons why the Establishment was condemned by all classes, and said they must be fair and equitable. But he (Lord Claud Hamilton) wished to know what equity, justice, or fairness was involved in the subversion of that Establishment? He contended that there could be no equality between the two parties, for how stood the case? One party—the Roman Catholics—have over and over again repudiated any State provision for their Church and clergy; on the other hand, the Protestant party only required to retain what had been secured to them by the most solemn engagements—rights that they had inherited through

many generations—privileges that had been secured to them by the valour and blood of their forefathers, who had thus secured the inestimable blessings of civil and religious liberty. For his own part, he held that the maintenance of a Church based on the principle of freedom of conscience and the right of private judgment was in itself a great advantage to any community which was subject to the rigid enforcement of ecclesiastical discipline, and in Ireland, were it not for the Established Church, there would be a state of things such as existed in Spain. He invited the attention of the House to a circumstance that had come within his knowledge. In the North of Ireland an institute, called the Catholic Institute, was established by a number of laymen of education, for the sake of mutual improvement, and having reading-rooms, lectures, newspapers, and magazines. It was formed for literary purposes, and was equally free from anything political or religious; but a Roman Catholic Bishop, a gentleman of high respectability, became a member for a subscription of £5, and he immediately claimed for himself the power to set up any rules he chose, and to set aside any that he did not approve. The 4th rule which the Bishop desired to enforce made it imperative on the institute to obtain—

“The approval by the Bishop, or one appointed by him, of all books and newspapers to be admitted for reading into news room or library; and the like approval of any lecturer to be invited to lecture for the members.”

If these orders were not obeyed, the Bishop refused the Sacraments to every member of the Institute. His words were these—

“If these conditions be not made the basis of the Institute, I wish to give fair notice that by whatever name the new association may be called . . . I shall consider it my duty, for the protection of my people, to debar from Sacraments all and every one who may become a member, or aid in its construction.”

He would confidently ask the House, in conclusion, whether they were prepared to destroy the Established Church in Ireland in order that such mandates might come into force, and such a system of spiritual despotism be established by the votes of a free Parliament of British subjects?

MR. MAGUIRE said, that having attended the House since its meeting, and having listened patiently and without interruption to every Gentleman who had spoken on the question, he considered he had, as an Irish Catholic, some claim

Lord Claud Hamilton

to attention. It was not his intention to attempt, at that hour, to speak at any length; but there were one or two points—especially one—on which he desired to offer a few observations. He must, however, first refer to the taunts which had been thrown out against the right hon. Gentleman the Member for South Lancashire with respect to his having changed his opinion on the important subject then under discussion, and having, in fact, gone so far in the direction of his hon. Friend the Member for Kilkenny. The taunts came with a bad grace from the other side of the House, from Gentlemen who, he thought wisely, were imitating the policy of the late Sir Robert Peel, and adapting themselves to the altered circumstances of the times. There was this difference, however—that what Sir Robert Peel did after much deliberation they did rapidly; for had not the House within the last week witnessed “vital” questions cheerfully abandoned. [“Oh, oh!”] For his part he would not be surprised if he found that in a year hence, or two at the farthest, the very Gentlemen who now regard the Act of Union as a barrier to all concession—nay, even to the consideration of this question—would themselves propose a measure more sweeping than that contemplated by the hon. Member for Kilkenny, even as the ultimate result of this agitation. There was one material point on which he felt it to be his duty, as a Catholic representative, to express a distinct opinion, and he was mainly induced to do so in consequence of the speech of his right hon. Friend the Member for Louth, who shadowed out his scheme for distributing the revenues of the Church Establishment. I express my solemn belief that it is not the desire of any but a very small section of the Members of the Catholic Church to touch a single shilling of the revenues of the Protestant Church. On the contrary, that it is the conviction of the great Catholic body of Ireland that any attempt to confer on the Catholic Church any portion of those revenues would be dangerous to her independence and fatal to her influence. Recently it was made manifest that the Roman Catholic clergy had stood between the people in Ireland and the counsels of violent men, thus compromising, to a certain extent, their influence with their flocks. Let them, however, receive State assistance, or rely upon any aid but the volunteer offerings of the people, and the result would be dan-

gerous, he believed, not only to the peace of Ireland, but to that of the Empire at large. He, for one, repudiated the idea that the Roman Catholics wished to appropriate one shilling of the present Church endowment in that country. The Attorney General for Ireland had made a statement that evening which surprised him not a little. The right hon. Gentleman had been only a short time in the House, and he owed his position to the circumstance that he was a successful lawyer. ["Oh, oh!"] He meant no disrespect to the right hon. Gentleman; but he did not know Ireland as well as the noble Lord the Chief Secretary for that country, otherwise he would not have thrown out the taunt to which he had given expression. The right hon. Gentleman went so far as to deny that the Established Church in Ireland constituted anything beyond a mere sentimental grievance; adding that the only persons interested in keeping up excitement with respect to it were priests and agitators. Now he, who knew the feelings of all classes of Roman Catholics in Ireland on the subject, from the highest to the lowest, could positively state that there was no question upon which they were more unanimous; so that the statement of the right hon. Gentleman on that head was entirely erroneous. Among all classes of Catholics in Ireland—let them be the most exalted in rank or the humblest in position—there was but one feeling on this question of the Established Church. From the Catholic nobleman to the tenant on his estate—from the Catholic Bishop to his youngest curate—all classes, all ranks—the landed gentry, the merchants, traders, artisans—all entertained the same sentiment of hostility to the present state of things, and were justly indignant at its continuance. Catholic landowners perhaps differed from the mass of the people with respect to the land question; but there was no difference of opinion whatever on the question of the endowed Church. And if Catholics held other opinions, or cherished other feelings than they did on this question, the right hon. Gentleman might justly hold them in contempt, as unworthy of respect. The right hon. Gentleman, moreover, sought to prove that the revenues of the Established Church were really derived from a Protestant Church, because, as he asserted, the Church in Ireland had always been antagonistic to the See of Rome. He would, however, recommend the right hon. Gentleman to open, when he next

entered the library of Trinity College, a volume called *The Book of Armagh*, from which he would learn that the injunction which St. Patrick laid down was to refer all difficult questions arising in the Irish Church to his successors, but if their decisions should be unsatisfactory, then to the See of Rome—the Church of all Churches. And if the Canons of St. Patrick, to which he thus referred the right hon. Gentleman, did not convince him that there was a direct connection between the early Irish Church and the See of Rome, he could only then say he did not know what was sufficient evidence to satisfy a lawyer on such a subject. Catholics derived nothing from the State for their Church, and the vast majority of them held the opinion that nothing would be so fatal to their Church in Ireland as any attempt to link it with the State, especially by the fetters of pecuniary assistance. They thus had no selfish motive in their desire to settle this question on principles of common justice. They had no hostility to Protestants, to Protestant clergymen, or to the Protestant Church. ["Oh, oh!"] Had the House ever heard a single word uttered by a Catholic Gentleman against the religion of Protestants? Never; whereas, on the contrary, night after night Catholic Gentlemen had heard the most outrageous attacks on their Church and their faith. Catholics considered that religion was too sacred a thing to be interfered with, and that it should be a question solely between a man and his conscience. It was idle to represent the existence of the Church Establishment in Ireland as a sentimental grievance. It was at once a grievous national wrong, and a standing insult to the pride of every Catholic in the country. And so long as it and other grievances were allowed to remain rankling in the heart of the people there could be no abiding peace. He did not mean to exaggerate this question, or express his belief that it was the greatest of the grievances from which Ireland then suffered; but it was one which could not be defended in justice or in policy, and it should be removed. No such institution existed, nor would be allowed to exist, in any of the colonies; in fact, if such an institution were attempted to be imposed upon any one of the colonies, or were sought to be maintained in it against the wish of the colonists, England could not hold it for a twelvemonth. Then, why try and maintain in Ireland an institution

which was opposed to the feelings of the mass of the population? Irish Catholics only asked of Protestants that they should imitate their example by doing what they had done, and were willing to do—namely, to sustain their own Church. He should offend the Protestants of Ireland if he said they could not do what the poorer Catholics had done and were doing. They, the poorer though the most numerous, supported their own Church sufficiently; and if the richer and more powerful Protestants could not do likewise, they passed a terrible condemnation on their own Church, their own pride, and their own honour.

MR. NEWDEGATE: Sir, as no Member for an English constituency, except the right hon. Member for South Lancashire, has addressed the House on this great and important question, I desire to be permitted to make a few remarks before we proceed to a division. The right hon. Gentleman the Member for Louth (Mr. C. Fortescue) gave us the whole substance of his speech in the first few sentences. He said that the Roman Catholic hierarchy and the Roman Catholic people, whom he spoke of as a sort of accidental adjunct of the priesthood, desired that the Church of Ireland should be disendowed; that a part of its revenues should be applied to Roman Catholic objects. In this respect the right hon. Gentleman only follows the doctrine promulgated by the Rev. Dr. Moriarty in his recently published letter which seems to have charmed most of the speakers who have taken part in this debate. In that letter Dr. Moriarty is good enough to say, and in this the hon. Member for Cork (Mr. Maguire) adopts his teaching, that it is totally impossible for the Roman Catholic hierarchy to accept anything like a stipend from the State, inasmuch as that would imply a connection with, if not an obligation to, the State of England; but Dr. Moriarty adds that it would be agreeable to the Roman Catholic hierarchy in Ireland, if the property of the Established Church of Ireland were sold and a large part of the produce of the sale were applied to the building of Roman Catholic cathedrals, seminaries, and monasteries. The modesty of this demand I do not comment; but observe the effect which the sanctioning of such a proposal would have upon England. The connection of England with Ireland is represented by a branch of the United Church of England and Ireland,

Mr. Maguire

of which the Sovereign is necessarily a Member; but if you disestablished that Church, and applied its property to the purposes described by Dr. Moriarty, so long as the Union existed there would be a direct connection between the Sovereignty of England and the Roman Catholic Church so established in Ireland. On the part of the people of England and Scotland I beg to repudiate this proposal most emphatically. The hon. Member for Cork, in putting forward this proposal, is only echoing the declaration of Archbishop Cullen or Cardinal Legate Cullen. [Sir GEORGE BOWYER: Divide!] The Cardinal Legate says he will never accept a compromise. [Sir GEORGE BOWYER: Divide!] The hon. Baronet the Member for Dundalk is always uneasy whenever I mention Cardinal Legate Cullen's name coupled with his title. It seems to make him wince. Being himself an office-bearer in the Court of Rome, no man knows better than he the significance of that title; no one better understands the importance of the functions which are exercised by Cardinal Legate Cullen. He is not only an ecclesiastical but a temporal officer of the Court of Rome—it is in these capacities that he refuses to be a stipendiary of the English Crown. Why, Sir, if we applied any portion of the property of the Established Church in Ireland to the building of Roman cathedrals, churches, chapels, seminaries, and monasteries, the next step would be that England would have to sue for diplomatic relations with the Court of Rome. Sir, we have lately had an example afforded us, in a document which lies upon the table of the House, of the happy effects which attended the connection recently dissolved between the Empire of Russia with the Court of Rome—a connection which was entered into with the object of pacifying Poland. And now that that document is in the hands of hon. Members, I have a right to allude to it, and I may appeal to any man who has read that document whether a more connected history has ever been of insidious attempts at usurpation, of deception, and at last of direct encouragement of rebellion, on the part of Rome than has been the fruit of the attempt on the part of the Russian Government to recognise the influence of the Papacy in the government of the Roman Catholics in Poland through their Church? Hon. Members may see from that document what have been the effects of such

a connection ; culminating as it did in a bloody rebellion. I hesitate not to say that a more startling record was never laid before the British Parliament. What I see in this proposal of the hon. Member for Kilkenny is the disendowment of the Established Church in Ireland, against whose ministers no man has ventured to bring a single charge, and who stand blameless in the discharge of their duty as the representatives of the tolerant religion of the United Church of England and Ireland. It is foolish to attempt to evade the issue. The object of the Resolution moved by the hon. Member for Kilkenny is to prepare the way for depriving the Established Church in Ireland of her property. There can be no question about that. A good deal of circumlocution has been resorted to. The hon. Member for Kilkenny, indeed, reminded me of the Irishman at a fair, who, having a mind to hit some acquaintance unawares, went about feeling on the canvas of a booth from the outside for the head of his acquaintance. Then, uprose the right hon. Gentleman the Member for South Lancashire, and taunted the hon. Gentleman the Member for Armagh (Mr. Vance) with his folly in supposing that the proposed inquiry might be for the mere purpose of removing anomalies in the Irish Church. What said the right hon. Gentleman ? If the House desired to perpetuate the Established Church you would do well to seek out those anomalies with a view to removing them ? But, no ! Turning round to the Members below the gangway, he said, "that is not the object," and then added, "But there is a good time coming;" but continued the right hon. Gentleman, "Don't be impatient." "It may be inconvenient now;" and then the right hon. Gentleman affected to paint the possible future, and raised a kind of prismatic mirage which confused the House without telling us one word about the character of the measure he intended. Sir, on the part of a great English constituency, on the part of the English people themselves, so far as I am acquainted with their opinions, and on the part of the Scotch people, I distinctly repudiate the proposal which lies beneath the surface of this Motion of the hon. Member for Kilkenny. Emphatically, I declare that it would be an act of gross injustice to deprive the Established Church in Ireland of her property. In the next place, I deprecate the idea of promoting the domination of the Roman Catholic hierarchy in

Ireland by the disendowment of the Irish Church. It is a curious and suggestive circumstance that, just at this moment, when we are about to pass a Reform Bill which will admit a vast popular element to representation in this House, certain aristocratic Members of this House are seized with such a fit of nervousness as to bethink themselves of seeking aid from the Cardinal Legate and the Romish hierarchy in Ireland, as though they desire to lean upon these officers appointed by the Court of Rome. I do not believe that the people of England will much value the liberalism that shrinks from contact with their enlarged constituencies and seeks to lean upon officers appointed by the Papacy for the government of Ireland. As I said before, I repudiate this Motion of the hon. Member for Kilkenny, as involving a gross act of injustice towards the Irish Church ; but also, as a measure of Imperial policy, I condemn it ; for if any portion of the property of the Church is given to the Roman Catholic hierarchy and they are once established, we shall be called upon to open relations with the Court of Rome ; and what has happened to Russia may befall England. After trusting Rome we may find ourselves deceived ; until, plunged into internal strife, we find that we have been a mere tool in the hands of the Papacy.

Previous Question put.

The House divided :—Ayes 183 ; Noes 195 : Majority 12.

AYES.

Adam, W. P.	Bright, J.
Agar-Ellis, hn. L. G. F.	Bruce, Lord C.
Allen, W. S.	Bruce, rt. hon. H. A.
Amberley, Viscount	Bryan, G. L.
Andover, Viscount	Buller, Sir A. W.
Anson, hon. Major	Buller, Sir E. M.
Armstrong, R.	Calthorpe, hn. F. H. W. G.
Ayrton, A. S.	Candlish, J.
Aytoun, R. S.	Carington, hon. C. R.
Bagwell, J.	Carnegie, hon. C.
Baines, E.	Cave, T.
Barclay, A. C.	Cavendish, Lord E.
Barnes, T.	Cavendish, Lord F. G.
Barron, Sir H. W.	Cheetham, J.
Barry, A. H. S.	Childers, H. C. E.
Barry, C. R.	Clay, J.
Bass, M. T.	Clement, W. J.
Baxter, W. E.	Cogan, rt. hn. W. H. F.
Bazley, T.	Colebrooke, Sir T. E.
Beaumont, H. F.	Collier, Sir R. P.
Blake, J. A.	Colthurst, Sir G. C.
Blennerhasset, Sir R.	Colville, C. R.
Bowyer, Sir G.	Corbally, M. E.
Brady, J.	Cowen, J.
Bright, Sir C. T.	Cowper, hon. H. F.

Crawford, R. W.
 Crossley, Sir F.
 De La Poer, E.
 Denman, hon. G.
 Devereux, R. J.
 Dillwyn, L. L.
 Dodson, J. G.
 Duff, M. E. G.
 Dunkellin, Lord
 Edwards, C.
 Erskine, Vice-Ad. J. E.
 Esmonde, J.
 Evans, T. W.
 Eykyn, R.
 Fawcett, H.
 Fildes, J.
 Finlay, A. S.
 FitzGerald, rt. hn. Lord
 O. A.
 FitzPatrick, rt. hn. J. W.
 Forster, W. E.
 Foster, W. O.
 Fortescue, rt. hon. C. S.
 Fortescue, hon. D. F.
 Gavin, Major
 Gilpin, C.
 Gladstone, W. H.
 Glyn, G. G.
 Goldsmid, J.
 Goschen, rt. hon. G. J.
 Gower, hon. F. L.
 Graham, W.
 Gregory, W. H.
 Greville-Nugent, A. W. F.
 Gridley, Captain H. G.
 Hadfield, G.
 Hardcastle, J. A.
 Harris, J. D.
 Hartington, Marquess of
 Hay, Lord J.
 Hay, Lord W. M.
 Henderson, J.
 Henley, Lord
 Herbert, H. A.
 Hibbert, J. T.
 Holden, I.
 Hughes, W. B.
 Ingham, R.
 Jervoise, Sir J. C.
 Kennedy, T.
 King, hon. P. J. L.
 Kinglake, A. W.
 Kingscote, Colonel
 Kinnaird, hon. A. F.
 Knatchbull-Hugessen, E.
 Labouchere, H.
 Layard, A. H.
 Lamont, J.
 Leatham, W. H.
 Leeman, G.
 Lefevre, G. J. S.
 Lusk, A.
 MacEvoy, E.
 McKenna, J. N.
 Mackie, J.
 McLaren, D.
 Maguire, J. F.
 Milbank, F. A.
 Miller, W.
 Mills, J. R.
 Milton, Viscount
 Moffatt, G.
 Moncreiff, rt. hon. J.
 Monk, C. J.
 Monsell, rt. hon. W.
 Moore, C.
 Morris, G.
 Morris, W.
 Morrison, W.
 Murphy, N. D.
 Neate, C.
 Nicol, J. D.
 O'Beirne, J. L.
 O'Brien, Sir P.
 O'Connor Don, The
 O'Donoghue, The
 Ogilvy, Sir J.
 Oliphant, L.
 O'Reilly, M. W.
 Osborne, R. B.
 Otway, A. J.
 Padmore, R.
 Parry, T.
 Pease, J. W.
 Peel, A. W.
 Peto, Sir S. M.
 Phillips, R. N.
 Platt, J.
 Pollard-Urquhart, W.
 Potter, E.
 Potter, T. B.
 Power, Sir J.
 Price, R. G.
 Price, W. P.
 Rearden, D. J.
 Robertson, D.
 Roebuck, J. A.
 Russell, A.
 Salomons, Alderman
 Samuelson, B.
 Scholefield, W.
 Seely, C.
 Shafto, R. D.
 Sherriff, A. C.
 Simeon, Sir J.
 Smith, J.
 Smith, J. A.
 Staapooole, W.
 Stansfeld, J.
 Stock, O.
 Stuart, Col. Crichton-
 Synan, E. J.
 Taylor, P. A.
 Torrens, W. T. M'C.
 Tracy, hon. C. R. D.
 Hanbury-
 Vandeleur, Colonel
 Vanderbyl, P.
 Villiers, rt. hon. C. P.
 Vivian, H. H.
 Weguelin, T. M.
 White, J.
 Whitworth, B.
 Williamson, Sir H.
 Young, R.

TELLERS.

Gray, Sir J.
 Greville-Nugent, Col.

NOES.

Adderley, rt. hon. C. B.
 Annesley, hon. Col. H.

Anstruther, Sir R.
 Antroub, E.

Archdall, Captain M.
 Arkwright, R.
 Bagge, Sir W.
 Bagnall, C.
 Barrington, Viscount
 Barttelot, Colonel
 Bateson, Sir T.
 Beach, Sir M. H.
 Beecroft, G. S.
 Bentinck, G. C.
 Beresford, Capt. D. W.
 Pack-
 Booth, Sir R. G.
 Brett, W. B.
 Bridges, Sir B. W.
 Bruce, C.
 Bruce, Sir H. H.
 Bruen, H.
 Burrell, Sir P.
 Campbell, A. H.
 Capper, C.
 Cartwright, Colonel
 Cave, rt. hon. S.
 Chatterton, rt. hn. H. E.
 Clinton, Lord A. P.
 Cobbold, J. C.
 Cole, hon. H.
 Cole, hon. J. L.
 Conolly, T.
 Cooper, E. H.
 Corry, rt. hon. H. L.
 Cowper, rt. hon. W. F.
 Cox, W. T.
 Cremorne, Lord
 Curzon, Viscount
 Dalkeith, Earl of
 Dawson, R. P.
 Dick, F.
 Dickson, Major A. G.
 Dimsdale, R.
 Disraeli, rt. hon. B.
 Dowdeswell, W. E.
 Du Cane, C.
 Duncombe, hon. Adm.
 Dunne, General
 Du Pre, C. G.
 Dyke, W. H.
 Eckersley, N.
 Edwards, Sir H.
 Egerton, Sir P. G.
 Egerton, E. C.
 Egerton, hon. W.
 Fane, Lt.-Col. H. H.
 Fane, Colonel J. W.
 Feilden, J.
 Fellows, E.
 Fergusson, Sir J.
 Floyer, J.
 Foley, II. W.
 Forde, Colonel
 Forester, rt. hon. Gen.
 Galway, Viscount
 Goddard, A. L.
 Gore, J. R. O.
 Gore, W. R. O.
 Gorst, J. E.
 Graves, S. R.
 Gray, Lieut.-Colonel
 Greenall, G.
 Greene, E.
 Grey, rt. hon. Sir G.
 Grey, hon. T. de
 Griffith, C. D.
 Grosvenor, Lord R.
 Guinness, Sir B. L.
 Gwyn, H.
 Hamilton, rt. hon. Lord C.
 Hamilton, Lord C. J.
 Hamilton, I. T.
 Hardy, rt. hon. G.
 Hardy, J.
 Hartopp, E. B.
 Hervey, Lord A. H. C.
 Ilay, Sir J. C. D.
 Heathcote, hon. G. H.
 Henley, rt. hon. J. W.
 Henniker-Major, hon.
 J. M.
 Herbert, hn. Colonel P.
 Hildyard, T. B. T.
 Hodgson, W. N.
 Hogg, Lieut.-Col. J. M.
 Holmesdale, Viscount
 Hood, Sir A. A.
 Hornby, W. H.
 Horsfall, T. B.
 Hotham, Lord
 Howes, E.
 Huddleston, J. W.
 Hunt, G. W.
 Innes, A. C.
 Jervis, Major
 Jones, D.
 Karslake, Sir J. B.
 Kavanagh, A.
 Kendall, N.
 Kennard, R. W.
 Ker, D. S.
 King, J. K.
 King, J. G.
 Knight, F. W.
 Knox, hon. Colonel S.
 Lacon, Sir E.
 Laird, J.
 Lanyon, C.
 Lefroy, A.
 Lennox, Lord H. G.
 Leslie, C. P.
 Liddell, hon. H. G.
 Lindsay, hon. Col. C.
 Lowther, J.
 McLagan, P.
 Mainwaring, T.
 Malcolm, J. W.
 Manners, rt. hn. Lord J.
 Manners, Lord G. J.
 Montagu, rt. hn. Lord R.
 Montgomery, Sir G.
 Mordaunt, Sir C.
 Morgan, O.
 Mowbray, rt. hon. J. R.
 Naas, Lord
 Neville-Grenville, R.
 Newdegate, C. N.
 Newport, Viscount
 Nicholson, W.
 Noel, hon. G. J.
 North, Colonel
 Northcote, rt. hn. Sir S. H.
 O'Neill, E.
 Paget, R. H.
 Pakington, rt. hn. Sir J.
 Parker, Major W.
 Peel, rt. hon. Sir R.
 Percy, Mjr.-Gn. Lord H.
 Pugh, D.

Read, C. S.	Taylor, Colonel
Repton, G. W. J.	Thorold, Sir J. H.
Ridley, Sir M. W.	Torrens, R.
Robertson, P. F.	Treeby, J. W.
Rolt, Sir J.	Trevor, Lord A. E. Hill-
Royston, Viscount	Trollope, rt. hn. Sir J.
Russell, Sir C.	Turner, C.
Schreiber, C.	Verner, E. W.
Scourfield, J. H.	Verner, Sir W.
Selwyn, C. J.	Walpole, rt. hon. S. H.
Severne, J. E.	Walrond, J. W.
Seymour, G. H.	Walsh, A.
Simonds, W. B.	Walsh, Sir J.
Smollett, P. B.	Waterhouse, S.
Stanhope, J. B.	Whitmore, H.
Stanley, Lord	Williams, F. M.
Stirling-Maxwell, Sir W.	Wise, H. C.
Stronge, Sir J. M.	Woodd, B. T.
Stuart, Lieut.-Col. W.	Wyndham, hon. P.
Sturt, H. G.	Wynn, C. W. W.
Sturt, Lt.-Colonel N.	Wynne, W. R. M.
Surtees, C. F.	Yorke, J. R.
Surtees, H. E.	TELLERS.
Sykes, C.	Heygate, Sir F. W.
	Vance, J.

companies were on this subject he could not assent to the suggestion of the hon. Member, but would confine himself to his original proposition that five should be the number of the Select Committee.

MR. MONK moved that the debate be adjourned.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Monk.*)

The House divided:—Ayes 53; Noes 5: Majority 48.

Debate adjourned till To-morrow.

REGISTRATION OF VOTERS BILL.

On Motion of Viscount AMBERLEY, Bill to amend the Law relating to the registration of persons entitled to vote at the Election of Members to serve in Parliament, ordered to be brought in by Viscount AMBERLEY and Mr. BAINES.

Bill presented, and read the first time. [Bill 136.]

GALWAY HARBOUR BILL.

Resolution reported;

"That it is expedient to authorise the Commissioners of Her Majesty's Treasury to compound the Public Debt and Interest due by the Galway Harbour Commissioners, and to make arrangements for the payment of the amount for which such Debt is to be compounded."

Resolution agreed to:—Bill ordered to be brought in by Mr. DODSON, Lord NAAS, and Mr. HUNT.

Bill presented, and read the first time. [Bill 137.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Wednesday May 8, 1867.

Their Lordships sat for the despatch of Judicial Business only.

House adjourned at half past Eleven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, May 8, 1867.

MINUTES.]—PUBLIC BILLS—Ordered—Metropolis Subways.*

First Reading—Metropolis Subways * [139].

Second Reading—Hypotheec Abolition (Scotland) [54], negatived; Municipal Corporations Charities [166], postponed to 19th June; Hypotheec Amendment (Scotland) * [100]; Mixed Marriages (Ireland) [120].

METROPOLIS GAS BILL.—[BILL 45.]

(*Sir Stafford Northcote, Mr. Secretary Walpole, Lord John Manners.*)

CONSIDERATION.

Bill, as amended, considered.

SIR STAFFORD NORTHCOTE moved that the Bill be referred to a Select Committee.

Motion made, and Question proposed,

"That the Bill be re-committed to a Select Committee of Five Members to be appointed by the Committee of Selection."—(*Sir Stafford Northcote.*)

MR. AYRTON suggested that the Bill be referred to a Committee of seven Members, five to be appointed by the Committee of Selection. This would allow the metropolis to be represented on the Committee.

Amendment proposed, after the words "Committee of," to insert the words "Seven Members."—(*Mr. Ayrton.*)

Question proposed, "That those words be there inserted."

MR. KINNAIRD opposed the proposal, as being contrary to the understanding agreed to the other night.

SIR STAFFORD NORTHCOTE said, the understanding the other night was that the Bill should be referred to a Select Committee to be nominated by the Committee of Selection. If the Order were now made that the Bill be referred to a Select Committee, the hon. Member might on Notice move hereafter that two Members be added to the Committee. Until he ascertained what the opinions of the gas

Referred to Select Committee—Pier and Harbour

Orders Confirmation * [130].

Committee—Church Rates Abolition [13] [R.F.];

Sea Coast Fisheries (Ireland) [50], debate

adjourned; Execution of Deeds * [26].

Report—Execution of Deeds * [26 & 138].

Considered as amended—Tests Abolition (Oxford

and Cambridge) [16].

Third Reading—Customs and Inland Revenue * [113], and *passed*.

HYPOTHEC ABOLITION (SCOTLAND)

BILL.—[BILL 54.]

(*Mr. Carnegie, Mr. Fordyce, Mr. Edward Craufurd.*)

SECOND READING.

Order for Second Reading read.

MR. CARNEGIE, in moving that the Bill be now read the second time, said: I think it may be well to state the reasons which have led me to introduce this Bill. I have had for many years a large acquaintance with tenant farmers in Scotland—long before the period at which I had the honour of a seat in this House—and have therefore had means and opportunities of becoming acquainted with the wishes and feelings of the Scotch tenants such as, I think, few Members of the House possess. I have lived in the houses of these tenant farmers (I being an agricultural student); I have known their opinions, and I have heard this question, and others affecting the agricultural interest, discussed with the most perfect freedom. I assure the House that the dislike of the Scotch tenants to this law is strong and universal; and that that dislike dates a great deal further back than the decision in the well-known case of "*Barns v. Allan*." After that judicial decision, numerous meetings were held throughout Scotland; and at one of these meetings, which I had the opportunity of attending, I took occasion to state my intention to make a Motion for the appointment of a Committee of the House of Commons to investigate the whole question of the Landlords Hypothec. It was, however, decided that a Royal Commission would be a better mode of inquiry; and the Government of the day having consented to issue such a Commission, I had the honour of being appointed a member of it. To the anxious desire of that Commission thoroughly to investigate the question I can bear testimony. We examined 102 witnesses, landlords, factors, tenants, merchants;—in fact, individuals of every class having an interest in the matter. The

Commission issued a Report, drawn up by its Chairman. So far as that Report deals with facts, it reflects the greatest credit upon its author; but as far as the recommendation and conclusions of the Report go, I must say I cannot coincide with them. The Report is the Report of the majority; but four members of the Commission, including myself, dissented from the conclusions of the majority; and of these four two were the gentlemen who represented practical agriculture on the Commission. When the Report came out, it was a matter of considerable anxiety on my part to see how it would be received in Scotland by the agriculturists. I fully expected that it would not meet with their sanction; nor, as it appeared, was I mistaken, for shortly afterwards the Chamber of Agriculture of Edinburgh met, and after a full discussion came to a resolution for the entire abolition of the law of hypothec as the best means of improving the relations between landlord and tenant and promoting the improvement of agriculture in Scotland. Now, what is the present state of the matter? The Government has introduced a Bill founded upon the Report of the majority of the Commission. So far as they go, the alterations proposed to be made are improvements on the existing law; but they are of the smallest possible character, and the weakest proposals that could be made if the law is to be altered at all. So far as the merchants and farmers are concerned, they would be left just in much the same position as if the law remained unaltered. The Report of the majority having been embodied in a Bill by the Government, I thought it necessary that the views of the minority should be represented. I had seriously to consider how that was best to be done. I doubted whether it was possible in any way consistent with the forms of the House to amend the Government Bill in Committee, or to make it enact the total abolition of the law. I had another reason for bringing in a Bill of my own—that I could thus get a clear day for its discussion; while the Scotch Bills brought in by the Government are so frequently, from pressure of business, brought on at so late an hour of the evening, that it is almost impossible to obtain a full discussion upon them. Well, a Bill founded upon the Report of the minority of the Commission having been brought in, I thought it my duty to bring before the House the views advocated by the minority. The Report

of the Royal Commission clearly states the actual state of the law of hypothec in Scotland, what it is, and in what it is distinguished from the law of distress in England, to which it is more nearly allied than to any other English law or custom. The law of hypothec, it will be seen, gives the landlord a preference over all other creditors except the Crown, whose rights are always reserved. Now justice demands that if one man owes another anything he ought to pay it if he has the means; but if he has not enough to pay all his debts, it appears to me to be equally just that his whole substance should be *pro rata* divided among all his creditors. As to the general principle of hypothecs, a thing pledged ceases to a certain extent to be the property of the pledger; but in the case now under our notice, the thing pledged has really no present existence. I consider that theoretical preferences of this kind are of extremely doubtful justice, and it is a grave question whether there is any reason for preserving the principle in this instance. The law of hypothec had its origin in Roman law, at a time when the cultivators of the soil were in the position of serfs or slaves; then the produce actually belonged to the landlord, and to alienate it was robbery. Afterwards came the system of payment in kind, and then a part of the produce was the landlord's, to remove which was equally robbery; but now that rents are paid in money, it is surely time that this last rag of serfdom should be abolished. Formerly, the farmer lived with his family altogether on the produce of his farm; he had few wants and no bargains to make; his only payment was his rent. But now, things are altered. Implements of agriculture have to be bought, manures have to be bought, and unless these necessary aids to agriculture are purchased, the landlord now could not get his present rent at all. Why should the merchants who supply these necessities be placed behind the landlord in their claims? The question, then, is, whether it is desirable to maintain this law, which was made to apply to a totally different state of affairs. Is it of any advantage to the landlords, or to the tenants, or to the merchants? I have hardly ever known any landlord declare that he had derived pecuniary benefit from the present law. Their great argument is that the law is of use to the small tenants. Such was the purport of much of the evidence given before the Commission. From

this it appears that the landlords want to maintain the law, not for themselves, but merely for the sake of their tenants. Now, Mr. Dickson, than whom no person in Scotland has greater experience in the valuation of land, and who was not favourable to an immediate repeal of the law, and Mr. Elliot, of Laighwood, in their evidence before the Commission, stated, as their opinion, although the abolition might perhaps reduce rents at first, yet in the course of some twenty years it would vastly increase the value of the land by attracting tenants who were possessed of adequate capital. Mr. Elliot said, that if he did not think the abolition of the law would not ultimately benefit the landlord he would hesitate in the matter; and he added that if he had ten sons he would not recommend any one of them to be a farmer as long as this law was in existence. It has been said that the law is good, because it enables landlords to give indulgence to tenants. It may do so, but at whose risk? It was said by Sydney Smith that whenever A saw B in want he longed that C should relieve him. This is something like the principle of indulgence which this law allows. I entirely recognise the liberality and generosity of many of the Scotch landlords, which they nobly showed in the crisis of the cattle plague, and on other occasions; but it is not advantageous, on the contrary it is injurious, to the landlords, to the soil, and to the country, for landlords to take tenants who require indulgence—tenants without adequate capital. I have in this Bill introduced a clause which guards existing rights in contracts entered into upon the faith of the present law—then if this Bill should pass, the landlords, in making new contracts, will be able to make any arrangements they choose. So much for the landlord, as the present law of hypothec affects his interests. Now, as respects the tenants' interests in the law, what benefits do they derive from it? It has been said that the law is of advantage to small tenants. I find it difficult to draw the line between small and large tenants. I do not know where the one class ceases and the other begins. However, I believe that the interests of large and of small tenants in the abolition of this law are identical. There is no real difference, as respects this law, between tenants who have large and tenants who have small holdings—the only and the essential difference is between tenants who have ade-

quate capital to work their farms, whatever the extent of these may be, and tenants who have not. As between good landlords and good tenants the law has very little apparent effect; but, in reality, it has a very decided effect in impairing the credit of the entire farming class. If the failure of one or two farmers takes place, and this law is put in operation, the thing has a very bad effect upon the credit and position of all the farmers of the district. The merchants and traders who supply them with the necessities for the prosecution of their agricultural industry get suspicious, and charge higher prices as a sort of insurance on what they naturally consider a greater risk; and the consequence is that the good and solvent tenant pays for those who are not so. There is also a temptation in this law to the most prudent landlord. He sees a farm next one of his own let at a far higher rent—perhaps to a man of no capital—and, without knowing the particular circumstances, determines to raise the rent of his next tenant to the same amount. It is often concluded that, by this law, men of skill can get farms without capital. In some cases, such an experiment might be tried by the landlord; but then it ought to be tried at his risk alone, and not at the risk of the public. If the landlord puts a man totally without capital into his farm, it is like playing the game of “Heads I win, and tails you lose”—and the public are the losers. Now, the argument on the subject of the large tenants applies equally to the small tenants. The small tenants themselves do not seem to have the notion that, if this law were abolished, they would be injured, because, as appears from the evidence given before the Commissioners, they are the very men who are quite as clamorous for this repeal as the large farmers. [“No!”] I can quote from the evidence of hostile witnesses that such is the case. I will now allude to the case of the merchants who have dealings with the farmers—such as the seed merchant, the manure merchant, and the implement maker. The case, as it affects them, is exceedingly hard. The law of hypothec enables the landlord to follow the crop even though sold, and make the purchaser pay again for what he has already paid. That is so monstrous that I believe that it can hardly find a defender. Certainly Her Majesty’s Government do not seem to be inclined to defend it; and if that goes, the whole theory of hypothec

Mr. Carnegie

goes with it. The theory of hypothec is that the crop is pledged to the landlord for the payment of his rent; that it is, in fact, the landlord’s property until the rent is actually paid, and therefore in making any relaxation upon that you at once break down the theory of the hypothecation of the crop. This following the crop is the *reductio ad absurdum* of the system. With regard to the other matters affecting the merchants, of course the abolition of the law must tend generally to their advantage. In the case of a farmer becoming bankrupt, the merchant receives a less dividend in consequence of the claim of the landlord being paid in full. I have now endeavoured to show that this law which is maintained is defective in theory; and that in practice it is no good to the good landlord—it is hurtful to the large as well as the small tenants—and that it is most injurious to the merchant. The present law prevents the application of capital to the soil to the same extent that it would otherwise be employed. The only objection that I can see to this abolition is that it would be the cause of some inconvenience to the factors in the management of their estates; but I do not think that that ought to stand in the way. I will now say one or two words respecting the urban law of hypothec, which is the right of the landlord of a house to have a preferable claim upon the furniture in case of non-payment of rent. The two laws of hypothec, in my opinion, stand upon very much the same footing, and if one is abolished the other ought to be abolished. I have shown the evils attendant upon this law. When I first entered into the inquiry on this subject, I thought a very large modification of the present law would be best; but upon mature deliberation, and after hearing the evidence given before the Royal Commission, I came to the conclusion that though a large modification might be useful, the best thing would be to abolish the law altogether. I know that this conclusion is not shared in by many of those whose opinions on all subjects I must treat with the deepest respect; but, considering the position I hold with regard to this question—as being the one who moved for the Royal Commission in the first instance, and as having been one of its members afterwards—I felt it a duty which I owed to my constituency and to this House to bring this matter before them in a tangible form, and therefore I move that this Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Carnegie.*)

MR. HENRY BAILLIE: The hon. Member who has moved the second reading of this Bill had a very difficult subject to deal with; and I am afraid that the speech which he has made will be somewhat unintelligible to the English and Irish Members of this House. ["No, no!"] However, I will endeavour in a few words to explain what the meaning of the law is; why it was instituted, and why it ought to be preserved in some shape or other, not in the interest of the landlords only, but for the interests of tenants themselves. This is really a question which has arisen in Scotland between the great tenants and the small tenants of that country. ["No!"] I say that it is, and there are a number of petitions from small tenants proving that the law of hypothec was established in consequence of the custom which prevails in Scotland of not demanding rent from the tenant until he has been eighteen months in possession. Certainly, this may not be the universal practice, but it is the general one. The consequence of this practice is, that the tenant is allowed not only to raise his crop, but to sell it before he pays his rent; and if the landlord has no hold upon the tenant, it is perfectly obvious that any rascal may sell his crop and stock and leave his landlord without paying his rent. If this law were abolished the landlord in self-defence would be compelled to demand his rent after six months' residence, and before the crop would be raised. Now, would not this be injurious to the tenantry of Scotland? It might not be injurious to the large tenantry who have large capital, but it would be of vast consequence to the poorer tenantry. These small tenants consist generally of farm labourers and others, who have raised themselves from small beginnings, and, having saved a little money, they set up small farms. Now, these men could not set up in small farms if they were called upon to pay their rent after six months. This is the whole question. I do not pretend to say that the law of hypothec ought not to be amended, and the Government have introduced a Bill to effect that object. That Bill is based upon the recommendations of the Royal Commission, and under it certain modifications of the law will be effected, which will answer the requirements of the case. Almost every county

in Scotland is in favour of the Government Bill. I believe that the total abolition of this law will be injurious to the smaller tenantry of Scotland, and therefore I move that the present Bill be rejected.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Henry Baillie.*)

MR. BAXTER: I think the hon. Gentleman who has just sat down did my hon. Friend (Mr. Carnegie) a great injustice when he stated that in the long speech which he delivered he must have been very unintelligible to the English and Irish Members of this House. I must say that I have seldom heard in this House a more clear statement of a difficult subject than that which we received from my hon. Friend. I was also very much surprised to hear it stated that the small tenant farmers were opposed to this Bill. I have inquired on that subject, and find that there have been only six petitions presented against the Bill, signed by twenty persons. I contend that this is an old feudal law, and is one of those artificial protections which is altogether opposed to the spirit of the age in which we live. Now, I want to ask a plain question, and I should like a plain answer to it, Why should a man who owns a field or a house and lets them have a greater security than any other creditor? It is said that agriculture has attained great prosperity in Scotland under this law; but I should rather alter that statement, and say that agriculture has attained its great prosperity in spite of the law, and not in consequence of it. I think that the maintenance of this law only encourages men of straw—that it is treated as a dead letter by all who have the management of good farms in Scotland. I think that the Bill is right in principle when it includes the urban as well as the agricultural hypothec. That is sound political economy, and therefore I support the Bill, and trust that the House will read it a second time.

MR. BAILLIE COCHRANE: I give credit to the hon. Member (Mr. Carnegie) for the ability and industry which he has shown in connection with this subject; but I must point out one great inconsistency, and that is—the hon. Member was one of the Royal Commission who investigated this subject, and a Bill has been introduced into the House of Lords by the Government in consequence of the recommendations of that Commission. Yet,

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instead of supporting that Bill, the hon. Member introduces a Bill of his own, which goes very much further. I believe there were only four Members of the Royal Commission who were opposed to the recommendation, out of the eleven Members of it. This I take to be a most important feature in the case. I think if you abolish the law of hypothee you will prevent the granting of long leases, which is now so beneficial in Scotland, and the abolition of the law will ruin small tenants altogether. I therefore really hope the hon. Member will frankly consider the serious character of his proposal. The Government are dealing with the question by the Bill which they have introduced, and which carries out the recommendations of the Royal Commission. I freely admit that I think the present law ought to be modified; but it would be better to proceed with the Government Bill rather than this one. This law has existed for centuries in Scotland, and the agriculture of that country has attained great prosperity under it. Therefore, I call upon the House to exercise the greatest precaution before it passes a Bill which would effect this sweeping change.

SIR ROBERT ANSTRUTHER: I shall support the Amendment for the rejection of this Bill. I have examined into the question, and I feel convinced that it is not a question as between the landlord and the tenant. It is generally supposed that the landlords are anxious to keep up the law in their own favour; and if I thought that was the case, I should have no hesitation in supporting the second reading of the Bill. But I feel convinced, from the inquiries which I have made, that this is an agitation on the part of the large farmers as against the small farmers. If you abolish this law, you will not diminish the rents—and the only result will be that the landlord will get forehanded instead of backhanded rents. Now, small farmers cannot pay forehanded rents, and therefore the result will be that these men will no longer be able to compete with the large farmers. The large farmers will thus have it all their own way, and they will exclude the small farmers from the market, and think that they will get their own lands cheaper. I do not believe that the law of hypothee encourages men of straw. The Scotch landlord does what every other sensible man does in taking a tenant, he requires references and deals with the applicants for his farm in accordance with these references. Although I represent a large county (Fifeshire) I

have only received one letter in favour of it; and believing that the smaller tenants will be seriously damaged by it, I shall give my vote against the second reading.

MR. CUMMING-BRUCE: I recently attended a county meeting in Scotland at which a resolution for a petition against the Bill was carried by an overwhelming majority. The landlords unanimously say "this law has been long in operation, and the small tenants have received much indulgence from it, and we therefore ask you and all county Members to stand forward against the passing of the Bill." My own experience of the law is, that by extending to the tenants an amount of credit it has tended very much to cause rapid and extensive improvements among the industrious classes in Scotland. The hon. Gentleman who moved the second reading of the Bill (Mr. Carnegie) said it was quite unfair not to extend this law to all trades in the community; but he must have forgotten how essential is the difference which exists in Scotland between farmers and those who deal in business of another description. With respect to references, although a landlord might let his farm to a man in whom he had confidence, the man might die, and his successor be a very unsatisfactory tenant. In this case the law of hypothee would be a very valuable assistance to the landlord. Taking all the circumstances of the case into consideration, I will give my vote for the Amendment.

MR. G. YOUNG: This is really a very simple question. My objection to the law of hypothee may be stated in a single sentence—I regard it as an artificial and exceptional law. I have been unable to find, notwithstanding the careful attention I have given to what has been said to-day, any satisfactory reasons urged in support of the law grounded upon necessity or upon considerations of policy or expediency. It appears to me that a farmhouse is neither more nor less than a place on the same footing as what a draper may require for the purposes of his trade. His trade requires his own skill and capital, and credit is required for the cultivation of the land and raising crops, which would enable the farmer to pay the price for his land. If all goes well with him he is able to pay everybody, and no question of difficulty arises; but if he becomes embarrassed, owing to bad seasons or otherwise, he is unable to pay all his creditors; and the question then with those immediately concerned is, whether there are reasons of policy or justice by

which his landlord, who is neither more nor less than a creditor, should have a preference over all the other creditors. It is for those who justify that preference to adduce arguments or facts in support of it. It is for those who maintain that law to show it is justified by some reasons of necessity or at least of expediency. The hon. Member for Inverness-shire (Mr. Henry Baillie) described some of the small tenants as little more than farm labourers; but I would not speak of them as "farm labourers," but as men without capital, but possessing skill, integrity, and great frugality, who kept their farms and laboured at them with their own hands and those of their families, and it is notorious that much larger rents are obtained from these farmers than from tenants of a much higher class. In the evidence of Mr. Hinson before the Royal Commission you will find the following:—

"I think the necessary consequence of this law would be to exclude the poorer class of tenants who wanted farms. I think, under the present system, the landlords get higher rents. The operation of the present system is for the landlords to let their farms at higher rents to persons without capital, and without any risk to themselves. The poor tenants have done a great deal for Scotland."

Now, the inference I take from this is—not that the present law should be maintained, but that it ought to be abolished. If the operation of the present law is to render landlords less cautious than they otherwise would be in the selection of their tenants, that is an evil effect. There is really no necessity whatever for this artificial protection of the landlord. The law as it stands enables the landlord to let his farm of bad land to a tenant without capital at an advanced rent without any risk to himself, because this law of hypothec secures him. It appears to me that the law of hypothec is objectionable and at variance with the law which regulates the interests of all conditions alike. The landlords do not require this artificial protection, because without the aid of this law they are able to take care of themselves. But then the landlords say that if they availed themselves of those means of taking care of themselves, it would have the effect of driving the small tenants out of the country altogether. Well, if these small tenants have been beneficial to the country, I should be the last man to sacrifice them; but if, on the other hand, the landlords get their rents satisfactorily from the small tenants, there is no necessity for this law,

which I characterize as artificial and exceptional.

MR. GRAHAM: The arguments in favour of the Bill have been all as to its affecting agricultural property. The Royal Commission had only the question of agricultural property referred to them; yet, on looking into this Bill, I find it will not only abolish the right of the landlords in an agricultural point of view, but will take away their right of distraining for rent in tenements. I admit the justice of the hon. and learned Gentleman's (Mr. Young) remark with respect to a farmer living in a house just as a trader does in his; yet still I believe that the restrictions of the law of hypothec are not only just to the landlord, but beneficial to the tenant. I know very well that the landlord always looks to the furniture of the tenant as security for his rent, and if this law is altered the poor man will be deprived of what is of service to him in the way of capital by getting credit from his landlord. I must oppose the second reading of the Bill, unless it is agreed to accept Amendments in Committee in regard to urban property and the landlord's rights.

SIR JAMES FERGUSSON: The objection of the hon. and learned Gentleman opposite to the law of hypothec is based on the theory and practice of the law. I do not pretend to be able to meet him on legal ground; but the answer on either point is easy. He says the law of hypothec is bad because it protects one creditor alone against a bankrupt debtor. I submit that such a view of the law of hypothec is not just. The hon. and learned Gentleman asked why the landed proprietor should be placed in any such position; but the Royal Commissioners stated in their Report as the reason why the law gives its preference to the landlord over the ordinary creditor, and why that preference ought to be maintained, in the first place, that the landlord letting his land for nineteen years requires a different sort of security from other creditors. The main point on which this law must rest is the security it gives to the landlord over his small tenants, and the means thus afforded to sustain them in hard times. The gentlemen who were examined before the Committee may have stated their experience as to the operation of the law, and the way in which it has been carried out, in a manner perfectly true and yet diametrically opposite, because the custom in one part of the coun-

try gives no criterion for what goes on in another part. In the wealthy portion of the Lothians, for instance, the relations between landlord and tenant are of the simplest kind ; but in localities where the climate is more uncertain, and the land comparatively poor, a different state of things exists, and such a law as this is necessary to assist struggling but deserving tenants. As to the landlord and tenant dealing with each other just as traders do, that might do all very well among wealthy persons, but it is not applicable to all times and places. The present law has probably excited less complaint and been more useful than any other, and I therefore oppose this Bill, which proposes its entire abolition, without providing any substitute.

MR. CRAUFURD : As my name is one of those on the back of this Bill, I wish to say a few words in support of its principle. I think it is right to abolish not only the agricultural but the urban law of hypothec, and as a proof that the tenant farmers are in favour of the measure, I may recall to recollection that since the agitation commenced on this subject, there has been an election in Aberdeenshire, and the tenant farmers there expressed unequivocally their opinion of the question by returning the present Member by a large majority. In its origin probably the law was equitable. Everything connected with the cultivation of land was furnished by the landlord ; the tenant gave only his labour ; and then the right of the landlord to follow the produce for his rent was reasonable. But now that the landlord supplies the land only, and the tenant furnishes everything else, the reason for the law no longer applies. At present the landlord has ample means of protection against the tenant's insolvency, for the leases, which are more general in Scotland than in any other country, always contains a covenant that the leases are voided by the mortgage.

MR. M'LAGAN : Having had the honour of being one of the Commissioners appointed to consider the law relating to the landlords' right of hypothec in Scotland, I have to ask the indulgence of the House while I state shortly my reasons for agreeing with the majority of the Commissioners that this law should not be abolished. I think that credit is due to the hon. Member for Forfarshire for including urban with agricultural hypothec in his Bill ; if he had limited his legislation to the latter, he would himself have been guilty of what he

condemns in the present law—namely, exceptional legislation ; in fact, I see no reason why he should not have gone further, and included in his Bill all hypothecs and securities made preferable by law. If he had done this he would have been more consistent in his legislation. The hon. Member also in his Bill properly exempts existing leases ; but this is equivalent to postponing in some degree the abolition of the law for nineteen or twenty-one years. And though I think that it is but just that existing leases should be exempted, still I foresee great confusion from their exemption if this Bill should pass ; for instance, if it be true, as some manure merchants allege, that they would be able to sell their goods cheaper to farmers if there were no law of hypothec, such merchants would require to have two prices for their agricultural customers, and before rendering their accounts would require to ascertain whether the farmers held their leases under the law of hypothec or not. I admit, Sir, that there is much in this law that is exceptional, and it was on account of its exceptional character that when my attention was first directed to the subject I felt inclined to come to the conclusion that it ought to be abolished. But on further consideration, on an attentive hearing and careful perusal of the evidence, on giving due weight to the deliberate opinions not only of individuals, but of certain associated bodies well qualified to judge of this question, and on being convinced that the success of many a farmer and the progress of Scottish agriculture could in some measure be traced to this law, I arrived at the conclusion that, though there was much in it that was exceptional and could not be defended at present, the abolition of it would be inexpedient ; and let us not forget that in legislation there is much that is expedient that is not just. I shall proceed now to reply to some objections to the law of hypothec as it affects those connected with land—namely, proprietors and tenants, and as it affects the community at large. Now, one objection urged against the law is that it unduly increases rents. I admit at once the tendency of the law is to produce that effect ; but I deny that it has had any appreciable effect in raising rents to their present pitch. I maintain that other circumstances have conduced to the gradual and rapid rise of rents of late years ; and that as these circumstances are brought into play or do not exist, rents rise or fall. It is well known that during

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the European war in the beginning of this century rents rose very high, and so great was their fall immediately after the cessation of hostilities that the Corn Laws were passed with the object of maintaining them. Agriculture languished, rents remained almost stationary for about twenty years after, and farms went almost a begging during the agitation for the repeal of the Corn Laws. Any rise that did take place could be clearly traced to the improvements in the land and not to any undue competition for farms caused by the law of hypothec. The Corn Laws were repealed and a period of great agricultural depression took place during the transition period. But the failure of the potato crop in Ireland and most parts of England, and the successful and profitable cultivation of it in Scotland, and the high prices of all farm produce caused by the Crimean War gave a stimulus to farming, and conjoined with the improved system of farming, the commercial prosperity of the country, and the consequent increase of capital, induced a great competition for farms, and materially raised rents. These circumstances were of themselves quite sufficient to cause the present high rents, even though there had been no law of hypothec. The truth is that farms are like everything else, dependent for their value upon supply and demand. While the population and wealth of the country have been increasing at an enormous rate, and the desire to possess land has been unabated, the extent of the land has remained the same, and the number of farms has been diminished, and the consequence is that land has been greatly raised in value both to the purchaser and to the tenant. There is no greater mistake that the manager of an estate can commit than by attempting to raise the rent of his farms by availing himself of the artificial stimulus caused by an exceptional law, as it is alleged is done by some managers by the law of hypothec, and as I believe has been done in a most outrageous manner in some cases in the county of Forfar. A manager trusting to the protection afforded him by such a law may choose a tenant without skill and capital; but the inevitable result of such a choice will be the deterioration of the farm, and the consequent reduction of rent. I maintain, therefore, that a permanent rise in the rent of land can be attributed to the law of hypothec only in so far as that law encourages the improvement of agriculture by assisting industrious and skilful

tenants. It is said, moreover, that on account of this law landlords and factors are careless in the selection of their tenants, that men of capital and skill are passed over, and mere adventurers chosen if they offer the highest rent. It may be that some greedy and unwise managers of estates may take the highest offerer of a farm whatever may be his qualifications. But we have it distinctly stated in evidence that such are merely exceptions, and that both proprietors and factors are most particular in making inquiries about the character and capital of the men who offer for farms, and that in general they select the best men even though they may not be the highest offerers. That they are sometimes misled we need not be surprised, when we know that some of our most sagacious merchants in this and other cities are frequently deceived in the men with whom they have dealings, even though they have better opportunities of ascertaining the circumstances and the character of those with whom they have mercantile transactions than the managers of estates living in country districts can possibly have. We are told again that the law of hypothec prevents farmers getting advances from bankers, between whom and the farmers banking facilities would be very much increased if this law were abolished. The evidence laid before the Commission is at direct variance with this statement; for almost every banker who gave evidence stated that the abolition of the law would make no difference to them in giving credit to farmers. And in addition to this direct evidence we have the strong indirect evidence of experience from which we learn that nothing has tended more to the advancement of agriculture in Scotland for the last fifty years, than the cash credit system of our Scotch banks, by which farmers were enabled, from the facilities afforded them, of borrowing money from the banks for the improving and carrying on of their farms. We are further told that the law operates injuriously on those merchants who are in the habit of dealing with tenants. But the evidence given before the Commission by merchants favourable to the abolition of the law of hypothec was to the contrary effect. It appeared from their statements that during the succession of bad seasons from 1861, the losses their firms had suffered from their dealings with tenants were not greater than from one-third to a little over 1 per cent. Mr. Copland, of Aberdeen, stated his loss

from these transactions in 1863, at seven-eighths per cent, and in 1864, at one-third; and that from dealings with other classes in the same years, at one-half and one-fifth respectively. The mercantile community in general are in favour of the abolition of this law. In 1853 a Commission was appointed to inquire whether the Mercantile Laws of England, Scotland, and Ireland, could be advantageously assimilated; and they addressed inquiries to different bodies in the three kingdoms. In reply the Convention of the Royal Burghs of Scotland, which may be considered to represent the mercantile interests in these burghs, the Glasgow and West of Scotland Guardian Society for the Protection of Trade, and the provost and merchants of Dundee, were unanimous in protesting against the abolition of this law of hypothec; and the former body have this year re-affirmed that opinion by a majority of 38 to 5. Neither is it true that landlords who have leased their farms for a long term are in a better position than the merchants who supply their tenants with goods. The latter take all the risks into their consideration and fix their price accordingly; but the landlord cannot calculate the risk of his tenant mismanaging his farm; the land may be so deteriorated by the end of the term that it might not re-let at the same rent by £100; or if the landlord were compelled to sell he would get £3,000 less for it than if his tenant had farmed properly. Surely this is as much risk of capital as the merchant's. Now, what will be the effect of abolishing the law. The law at present gives a security for the landlord's rent, and he is thus enabled to give a considerable indulgence for the payment of his rent. The custom is, then, not to ask for any rent for a year or fifteen months after the tenant has entered on his farm, and then only one-half of the rent is paid. This, then, is equivalent to lending the tenant so much capital, and the manure merchants and others are generally paid before the rent becomes due. If, however, you do away with this security, the landlord must look out for some other, and the one that comes most readily to him, is the payment of the rent on the tenant entering on the farm, or at all events before the crop is reaped, and the rent will thus be either pre-paid, as is the case generally in England, or a fore-rent. Every tenant, therefore, who was back-rented before and becomes fore-rented, would require to have

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as much more capital as would pay his fore-rent if he remained in the same farm; if he had not this capital he must take a smaller farm which will be more suitable for his capital. The result of this will be that there will be fewer competitors for the large farms; but the competition will be quite as great if not greater for the smaller farms, hence, while the rents of the larger farms may be reduced, those of the smaller farms will be quite as high, and it is probable that some of the smaller tenants will be thrown out of their farms. Perhaps some landlords may not be content with simple pre-payment of rents, but may demand collateral security in addition. If this is done, it will introduce a system of cautionry which ought always to be discouraged. Another effect of the repeal of the law will be to shorten leases, for landlords finding themselves deprived of their security will be chary of granting long leases to every one, as it is always found a most difficult matter to get a tenant out of his farm. It is somewhat singular that while Irish Members are so anxious to have the system of leases introduced into Ireland, the tendency of this agitation in Scotland is to shorten leases. I am clearly of opinion that the advanced state of agriculture in Scotland is due very much to the long leases, and we are indebted for these leases to the security afforded to the landlord by the law of hypothec. There can be no doubt that this law simplifies very much the entering into contracts between landlord and tenant, and it is the means of a good relationship and kindly feeling being kept up between them. By it the landlord in bad seasons or during a succession of unfavourable seasons has it in his power to give every indulgence to his tenant, and many a tenant has by this indulgence been enabled to recover himself when better times came round, which he could not have done if this law had not existed. I have no hesitation in saying that the abolition of the law will fall far more heavily on the tenant than on the landlord. And I do not see why you are going to deprive the proprietor of land and houses of his preferable security, while you allow the owner of capital to retain his preferable security. Why should a man having £10,000 in money lent on heritable security have his interest and capital secured by law, while the proprietor of £10,000 of land or houses will be deprived of the legal security of their rents if this Bill becomes law?

MR. DYCE NICOL said, that seeing the patience of the House was nearly exhausted, he would merely say, with reference to the feeling in Scotland, and the character of the petitions for the total abolition of the law of hypothec, which had been so unfairly referred to by Members on the opposite Benches, that he had had the honour of presenting to the House a petition in favour of total abolition from the Scottish Chamber of Agriculture, an association composed of the principal tenant farmers in Scotland; and from the county he had the honour to represent a similar petition, the most numerous signed that had ever been sent to this House from Kincardineshire, and as the tenant farmers in it might be included in the class of holders of small or moderate sized farms, he thought this a sufficient answer, showing that that class were desirous of the abolition of the law. It was from the circumstance of the opinions of himself and the Member for Aberdeenshire being in unison with those of the tenant farmers on this and other agricultural questions, that they were indebted for their seats in this House. He believed that were the law of hypothec totally abolished, agriculture in Scotland would be in a sounder and better state, beneficial to the landlord, the tenant, and the public. The agitation on this subject was attributable to the high rents in Scotland—often remarked upon by less fortunate landlords in England—but which was owing to our system of long leases, and to the enterprize and industry of our Scotch tenantry, who were satisfied with a smaller return for their capital than the same class in England; but they would no longer quietly submit to the unfair competition which this law encourages, and their just demands for concession on this subject could not long be denied to a class than whom none of Her Majesty's subjects were more enterprising, intelligent, and loyal.

MR. M'LAREN said, he was one of the first of the Scotch Members who brought this subject under the notice of the Government, which led to the issuing of the Royal Commission. He claimed on good grounds to know the opinions respecting the law of hypothec of all classes in Scotland as well as any one, and he could say that the farmers and the mercantile classes complained greatly that the landlord at the end of two years could sweep away every farthing belonging not more to him than to the general creditors. For himself, he

held that the principle of the law was wrong and pernicious, and he would, of course, vote for the second reading of this Bill.

MR. MONCREIFF: I intend to vote against this Bill, and I will discuss the subject as shortly as I can. I am not aware that any complaint has been made from the residents in towns in Scotland, nor any petitions sent to this House from them against this law of hypothec; and as the objections made to the law apply as well to towns as to rural districts, on this ground I oppose the Bill. But I agree with the majority of the Commission who reported on the subject, and with the provisions of the Bill sent down from "another place." I believe that the law of hypothec, as it at present stands, is a great deal too stringent, and I desire to see it amended; but there is a great deal of difference between modifying a law and abolishing it altogether. I am not prepared to take that step. This is not a theoretical, it is a practical question. The landlord being only a party to a contract can, even if the law were changed, always make his own terms, and preserve to himself his own remedy. As to preference claims, they are not peculiar to the law of hypothec. Instances of their existence in the laws respecting trade, commerce, and manufactures are numerous. There are cases of lien and rights of redemption, which really amount to just as much by giving a preference to one creditor over another as the law of hypothec in Scotland is as respects the landlord. The principle of the law is this—That where the risk is more than commensurate with the interest, then the law gives an unusual facility to recover the subject-matter of the interest. That is the principle of the law of lien, and it goes through a variety of cases, and it reasonably applies to that of the landlord, who has a lien, and whose means of subsistence for the year depends upon his receiving the rents of the year. But this is a practical matter. The landlord cannot be compelled to let his land. He may choose his tenant—he has ample means to protect his interests—he may, if this law be abolished, exact payment of rent in advance, or require security, and this implies that under the then new state of things the general creditor gains no more than at present. Small tenants will not be able to pay rent in advance, nor give security, and this, reducing the demand for farms, would on doubt cause farms to

be let at something less than at present. Landlords would get rather less rent than before, and merchants and other creditors of farmers would be as they were before. The Bill, if it becomes law, will create inconvenience, without any benefit, and there is no necessity for it. One statute of a most beneficial nature regulates the relations between landlords and tenants in Scotland, and the abolition of the law of hypothec would only introduce confusion into those relations, and it would disturb the present satisfactory arrangements as to leases. I therefore shall vote against the second reading of the Bill, which I hope the House will see reason to reject.

MR. CARNEGIE briefly replied.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 96; Noes 225: Majority 129.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

CHURCH RATES ABOLITION BILL.

(Mr. Hardcastle, Mr. Baines, Mr. Trevelyan.)

[BILL 13.] COMMITTEE.

Order for Committee read.

MR. HARDCASTLE said, that notice had been given of a series of Amendments by the hon. Member for Hastings (Mr. Waldegrave-Leslie), who was unfortunately prevented by indisposition from being in the House that day. It would be unwise to discuss some Amendments and to leave others for future discussion, and he therefore suggested that it would be well to allow the Bill to pass the present stage without discussion, reserving the consideration of the Amendments for the next stage—the bringing up of the Report.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Church Rates Abolished).

SIR MICHAEL HICKS-BEACH moved that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Sir Michael Hicks-Beach.)

Mr. Moncreiff

The Committee divided:—Ayes 242; Noes 102: Majority 140.

House resumed.

Committee report Progress; to sit again upon Wednesday 12th June.

MUNICIPAL CORPORATIONS CHARITIES

BILL—[BILL 60.]—SECOND READING.

(Mr. Richard Young, Mr. William Edward Forster.)

Order for Second Reading read.

VISCOUNT GALWAY said, he believed there was only one opinion in the House with regard to the Bill. It related to charities which had been handed over to trustees with very beneficial effects. There had been no complaint of the management of the charities by the trustees, who were locally elected, and knew the circumstances of the charities. This Bill would re-invest charities in the hands of corporations, and to do that could only lead to jobbery. He was convinced that scarcely a Member of the House approved the Bill, and therefore there was no use in keeping the Order on the books. He moved that the Order be discharged.

MR. SPEAKER said, it was an unusual course to move the discharge of an Order in the absence of the Member in charge of a Bill, and in this case the hon. Member (Mr. R. Young) had arranged for the postponement of the second reading to Wednesday, the 19th of June.

ADMIRAL DUNCOMBE asked if it was to be understood that the noble Lord (Viscount Galway) was precluded from moving the discharge of the Order. He apprehended that, by the usages of Parliament and the rules of the House, when an hon. Member had charge of a Bill it was his business to be in his place when the Order was called.

MR. P. WYKEHAM MARTIN said, that, as a matter of fact, the hon. Member in charge of the Bill was in the House a minute ago.

MR. GOLDNEY, who had given notice of his intention to move that the Bill should be read a second time that day six months, said, that he had a conversation with the hon. Member two minutes ago on the subject of the Bill.

MR. R. YOUNG, who had returned to the House, said, he had thought his presence unnecessary, as previous to the division on the Church Rates Bill it had been arranged that, as there would not be time to discuss

this Bill, the second reading should be postponed to the 19th of June.

Motion made, and Question proposed, "That the Bill be read a second time upon Wednesday the 19th day of June next.

VISCOUNT GALWAY moved, as an Amendment, that the Order be discharged.

Amendment proposed,

To leave out from the words "That the" to the end of the Question, in order to add the words "Order for the Second Reading of the said Bill be discharged,"—(*Viscount Galway*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. COLERIDGE hoped the noble Lord would not press the Amendment. He himself entertained an opinion adverse to the Bill, and should be disposed strongly to oppose it and to vote against it; but yet, if the noble Lord divided the House, he should be obliged to vote against him. When an hon. Member who had charge of a Bill communicated with others opposed to him, and a general understanding was arrived at with regard to the postponement of a Bill, if that understanding could not be relied upon, and a division took place on the Bill, it could be no fair criterion of the opinion of the House, because it would take place in the absence of some of those who took special interest in the matter.

MR. GOLDNEY said, that although he had given notice of an Amendment for the rejection of the Bill, he had not been a party to the alleged understanding; no notice had been given him of the intended postponement, and it was only by accident he had heard of it.

SIR FRANCIS GOLDSMID said, it was quite an ordinary thing to allow a Bill to be postponed at the request of the hon. Member in charge of it, and it would be unfair to depart from that course on the present occasion, when, owing to the Bill being preceded by a most important one, there was every reason to suppose there would be no time for discussing it.

MR. NEWDEGATE said, while desirous of showing all courtesy to the hon. Member for Cambridge, he must say that it was taking an undue liberty with hon. Members to put them to the inconvenience of attending to consider a particular Bill, and, when there was a full House, to have

it announced suddenly from the Chair, without the attendance of the responsible Member, that the business for which they had assembled was to be postponed.

MR. CLAY said, he was in the same position as the hon. Member for Exeter—opposed to the Bill, and informed of the intended postponement; and he knew that a number of Members interested in it had gone away with the belief that the understanding as to postponement would be acted upon.

MR. BRADY knew that many Members interested in the Bill had left the House, and rather than have the Order discharged he would move the adjournment of the debate.

VISCOUNT ROYSTON said, his hon. Colleague had not displayed that zeal which might have been expected of an hon. Member in regard to the first Bill he introduced, for he had personally had some difficulty in impressing the hon. Member with the fact that he must look after his own interests if he meant to carry the Bill—which, however, was open to doubt.

MR. MOWBRAY appealed to the noble Lord (*Viscount Galway*) not to press the Motion for the discharge of the Order. It was quite true he had ample grounds for making it, for the hon. Member for Cambridgeshire (*Mr. R. Young*) was in the House up to within a minute of the time that the Order was read; and to leave it then, knowing of the Amendment of the hon. Member for Chippenham (*Mr. Goldney*), was almost an act of disrespect to the House. However, the hon. Member had not been long in the House. They must give him credit for fully believing that an understanding had been arrived at, and after the statement that an understanding existed, and that hon. Members had left the House in the belief that it would be acted upon, it would hardly be consistent with the ordinary rules of their procedure to discharge the Order.

MR. WHALLEY objected to the hon. Member (*Mr. R. Young*) being charged with any want of respect to the House in acting upon what he believed to be an accepted arrangement.

VISCOUNT GALWAY said, he was quite astonished, after he had moved the discharge of the Order, to hear that the hon. Member (*Mr. R. Young*) was not in the House. As he might, perhaps, be thought to be taking a somewhat unusual course, he would not put the House to the trouble of dividing, although he was

inclined to do so, considering that the Bill might have been discussed in the time already spent, and that there was not the slightest chance of its passing, not a Member having said a word in its favour.

Amendment, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill to be read a second time upon
Wednesday 19th June.

SEA COAST FISHERIES (IRELAND)

BILL—[BILL 50.]

(*Mr. Blake, Colonel Tottenham, Mr. Brady.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

SIR HENRY WINSTON-BARRON moved that the Bill be referred to a Select Committee, remarking that two Commissions had arrived at diametrically opposite conclusions on the subject of the measure.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "The Bill be committed to a Select Committee,"
(*Sir Henry Winston-Barron,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BLAKE said, he did not expect there would be any objection to this course. The Chief Secretary was quite disposed that it should be done, and the only obstacle had been the delay about the Fishery Convention with France. The terms of that treaty were known, and as its operation would only extend to within three miles of the coast, and he supposed would not differ much from the late Convention, there was no good reason why the Committee should not, in the first instance, proceed to the consideration of matters which only related to Ireland, and when the Convention came out take it into consideration also. It was said that a general Fishery Act for the kingdom would be introduced. He was not prepared to deny that a good Bill for England would also be suitable to Ireland. But there were peculiar circumstances about Ireland which called for special legislation on the fishery question. It was then too late for him to enter fully into the subject; but he was

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quite prepared to prove that without peculiar remedies being applied, the Irish fisheries would never be raised from their present depressed and sinking condition. If he was invested with absolute powers for even half-a-dozen years, and given the disposal of £500,000, he would stake his very existence that within that period he would give remunerative and healthy employment to an additional 500,000 people, enrich Ireland to the extent of £5,000,000 a year, and give to the kingdom £15,000,000 worth of additional food, besides forming a splendid nursery for the Mercantile and Royal Naval Marine, and in the end pay back nearly all the money advanced. Although he knew as much as any man in the Empire, perhaps, about the inland and sea fisheries, and knew almost every river and creek in Ireland, he did not want anything to be received on his own authority—he was ready to quote received authorities for everything he said. He believed the coasts and inland waters of Ireland might be made as remunerative as all the land of which it was composed. He had furnished nearly every Member of that House with printed papers showing what might be done by the deep-sea and coast fisheries, especially in oysters, and he defied a single statement to be contradicted. Surely no Government ought to deny a Committee to investigate so important a matter. He believed a late Lord of the Admiralty, and who had been one of the Royal Commission on Fisheries, intended to object to the Bill going into Committee unless he (Mr. Blake) would take out the clauses authorizing loans to fishermen. Now, he begged to tell the hon. Gentleman that he would do nothing of the kind. These clauses constituted the very essence of the Bill, and he would rather lose it altogether than give up that portion of the Bill.

SIR HERVEY BRUCE said, that the Bill would unsettle all the fishery laws of the kingdom; and he asked, whether the hon. Gentleman would consent to the insertion of a clause saving all rights of salmon fisheries as established by law?

MR. BLAKE was willing to give that assurance. The Bill was not meant to interfere with salmon fisheries at all.

LORD NAAS said, the proper course would be to wait for the result of the French Fishery Convention, and he suggested the postponement of the Bill for a week with this object. The Government did not wish to obstruct the Bill in any way, and in a

week they would be able to decide whether it might be properly referred to a Select Committee.

Debate *adjourned* till *Wednesday* next.

MIXED MARRIAGES (IRELAND)
BILL.—[BILL 120.]—SECOND READING.

(*Mr. Serjeant Armstrong, Mr. Cogan.*)

ADJOURNED DEBATE RESUMED.

Order read, for resuming Adjourned Debate on Question [7th May], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed*.

MR. VANCE thought it would have been well to await the result of the Commission on Marriage Law; but, on the understanding that the Committee was fixed for May 28, so as to afford time for further inquiry on the subject, he had no objection to the second reading.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *Tuesday* 28th May.

TESTS ABOLITION (OXFORD AND CAMBRIDGE) BILL.—[BILL 16.]

(*Mr. Coleridge, Mr. Grant Duff.*)

CONSIDERATION.

Bill, as amended, *considered*.

MR. COLERIDGE said, that the hon. Baronet the Member for Oxford University (Sir William Heathcote) had intimated to him that the present stage of the Bill would not be opposed, and that there should be a full discussion on the third reading.

SIR MICHAEL HICKS-BEACH hoped that the third reading would be fixed for some day on which the Bill was likely to come on.

MR. COLERIDGE said, that as far as depended upon him, the fullest opportunity should be given for discussion.

To be read the third time upon *Friday* 17th May.

METROPOLIS SUBWAYS BILL.

On Motion of Mr. TITE, Bill to make provision respecting the use of Subways constructed by the Metropolitan Board of Works in the Metropolis, *ordered* to be brought in by Mr. TITE and Colonel HOGE.

Bill *presented*, and read the first time. [Bill 139.]

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, May 9, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—Customs and Inland Revenue * (93).
Second Reading—Policies of Insurance * (82).

GRAND DUCHY OF LUXEMBOURG.

QUESTION.

EARL RUSSELL said, as considerable anxiety prevailed with reference to the result of the Conference now sitting in London, and after the statement which he understood had been made in "another place," perhaps the noble Lord opposite might think it proper to say something on the subject.

THE EARL OF DERBY: The Conference only met to-day at half past three o'clock, and I have not since that time heard any report of what has taken place; but I am given to understand that no difficulty was started but what had been immediately overcome, and I have every reason to believe, although no signatures have been attached to any document, that, practically, the peace of Europe is secured.

MEETING IN HYDE PARK.

MOTION FOR AN ADDRESS.

EARL COWPER rose to call the Attention of the House to the proceedings of the Government with respect to the recent Meeting in Hyde Park, and to move for Copies of the Notice issued by the Secretary of State warning the Public against attending the Meeting, and also of the Instructions given to the Police on the subject. The noble Earl, who was very imperfectly heard, was understood to say that in bringing forward this subject, he did not move a Vote of Censure on the Government; for he believed it to be the general opinion of all parties that this was not a time when it would be desirable that the present Government should be driven from office, though it might seem strange that men of great ability chose to fill the place of Ministers by sufferance, and to bring forward measures and change them according as popular opinion might blow. He thought that he could not do better than give a plain history of what had taken place in relation to the meeting in Hyde Park. About July last—whether after or before

the unfortunate riots in Hyde Park he did not know—the Government took the advice of the Law Officers of the Crown on the question whether if in future any similar meetings were contemplated to be held in Hyde Park the Government would have the power to prevent them. He believed that the opinion of the Law Officers was that the Government had no power to remove any persons from the Park unless previous notice was served on them; and that, in case of notice being served, the smallest degree of violence must be used in removing individuals, and that, if they returned, they must be removed in the same manner again. It was stated that only the common law of trespass would apply to the case; and he also understood that the military could not be employed unless actual tumult or riot took place; and that, in fact, nothing short of insurrection could justify the employment of the military. Practically speaking, there appeared to be no legal authority to prevent, with or without notice, meetings in Hyde Park. All this was known to the Government, though the public were supposed to be entirely ignorant of it. The Government had recently determined to bring in a Bill for further powers to enable them to stop these meetings. Now, considering that the Government were in office last July, it seemed to him surprising that if they intended to introduce a measure they did not do so earlier in the Session, instead of waiting to the present time. He would not give an opinion upon this measure, whether or not it would be calculated to meet the object in view. Nothing of any consequence took place until the 1st of the present month, when that unfortunate notice was issued—a copy of which he should move for, but which was well known to every Member of the House—which stated the meeting would be illegal, and which admonished the people not to attend. This seemed to him a very strong measure on the part of the Home Secretary; and it was very strange that if it were not intended to follow it up by other measures, that it should have been issued at all. It was said that it was only a notice upon which to ground proceedings in trespass; but he imagined that any attorney's clerk could have served a proper notice on each of the parties interested, without publishing it to the world. It looked very much as if the Government intended to say to the members of the Reform League that they had provoked the contest; that they

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should abide by the consequences; so that they might be induced to abandon their resolution of holding the meeting. But what was the result? There were other persons apparently who were as well capable of ascertaining what was the law as the Members of the Government; and the leaders of the Reform League at once declared that the Government had invited them to a contest, and they used very strong language, in which they expressed their determination not to retreat from the position they had taken up. Their Lordships all knew how rife the rumours of war were during the remainder of the week. Troops were, it was said, ordered to come up from Aldershot, special constables were sworn in, and in the midst of these proceedings a very interesting discussion took place in the other House of Parliament. Having looked over the report of that discussion he was bound to admit that the Government had not committed themselves to such an extent as at first appeared to be the case, though the language held by their representatives contributed to strengthen the impression that they would not allow the meeting to be held. One Member of the Cabinet said, "he trusted Parliament would assist him in maintaining the rights of the Crown;" and he added that "the Parks would never be allowed to be made the arena of political agitation." Again, he stated that "when the people were being handed out of the Park that might be resisted, and a riot might take place;" thus implying that it was the intention of the Government to have the people removed. Another Member of the Cabinet, having stated that there were good reasons for not giving publicity to the precise intentions of the Government as to the mode of dealing with the meeting, added that they had every reason to believe that the measures which they had already adopted would prove effectual to prevent disturbance. The reticence thus observed as to the course they meant to pursue reminded him of the secrecy of a General on the eve of battle naturally anxious that his plans should not be known lest they should be defeated by the enemy. Be that as it might, everything that occurred during the discussion on the subject in the other House on Friday night confirmed the impression which already prevailed—and which stood in need of no such confirmation—that a great contest was impending. It was not, indeed, until late on the afternoon of Sunday that it

became known that all the preparations which had been made by the Government—the bringing up of troops from Aldershot and Windsor, the concentration of the police in the vicinity of the Park, and the swearing in of special constables, were not in the least intended to prevent the meeting, but merely to overawe the pickpockets and roughs who might assemble on the occasion. Now, he must say that no greater blow could, in his opinion, have been struck against all respect for law and authority than was inflicted by the conduct of the Government as displayed throughout these proceedings. Parliament and the country were now much occupied with the subject of Reform, and it was very generally thought that the privilege of exercising the franchise should be more widely extended, but nobody—not even the most ardent Reformer—would, he was sure, maintain that it was desirable the Executive should be rendered weaker; or, above all, that it should be rendered weaker by being brought into contempt. Before he sat down he should like to say a word or two with respect to the behaviour of the people who assembled in the Park on Monday evening. In doing so he would not enter into the question whether Reform meetings and processions contributed anything to the advancement of the Reform question or tended to retard its progress; but, whatever might be the view taken as to the course pursued by the Reform League in promoting such demonstrations, with respect to the admirable conduct of the people who attended that of Monday there could be no doubt. He would not detain their Lordships any longer—he would only in conclusion move—

That an humble Address be presented to Her Majesty for, Copies of the Notice issued by the Secretary of State warning the Public against attending the recent Meeting in Hyde Park, and also of the Instructions given to the Police on the Subject.—(*The Earl Cowper.*)

THE EARL OF DERBY: Although the noble Earl who has just sat down (Earl Cowper) has moved for certain papers, it is not, I presume, his object to press for their production. The first of the documents to which his Motion refers has already been made public, and it is contrary to all precedent, and may lead to great inconvenience in the future, to lay upon the table the instructions which has been given to the police. I apprehend, then, that the noble Earl's Motion was simply meant to afford him an opportunity of ex-

pressing, so far as he was acquainted with the circumstances of the case, his opinion as to the course which has been taken by Her Majesty's Government in reference to the late meeting in Hyde Park. So far from complaining of the noble Earl for availing himself of this opportunity, I am inclined to offer him my thanks for having furnished the occasion for entering into a full discussion of the subject in your Lordships' House, where I am sure you will come to its consideration calmly, temperately, and impartially. I desire nothing more than openly to lay before your Lordships all the circumstances under which the Government have acted in the matter, and to invite the expression of your opinion as to the course which they adopted. But before I say a word with regard to the conduct of the Government I must take the earliest opportunity of vindicating a right hon. Friend of mine who has been subjected to the most unjust misrepresentations—I allude to my right hon. Friend the Secretary for the Home Department. I regret to be obliged to state that the labours which he has had to sustain in his office—increased as they have unfortunately been by the absence of the efficient permanent Under Secretary of the Department, Mr. Waddington, owing to serious and protracted indisposition—combined with the mental anxiety which he has had to undergo during the last few weeks, have so considerably impaired his health, acting as they did on a mind more than ordinarily sensitive, as to have compelled him to represent to me that it was a matter of absolute necessity that he should continue no longer to discharge the duties of his office. He has consequently, in spite of my most earnest remonstrances, placed in my hands the resignation of that office, and I have been obliged most reluctantly to submit it to the consideration of Her Majesty. In doing so I feel that the Cabinet is losing the services of a very efficient member; and, above all, I feel that we are parting with a man than whom I never had the good fortune of meeting one more amiable, more honourable, or more thoroughly conscientious. But I am bound to say that the case before us is not one in which the blame of whatever has been done should be visited on Mr. Walpole. The question is not one of a merely departmental character; it affects the Government as a whole. There is not a single Member of the Cabinet—and, least of all, can I pretend to be that Member—who is not as

fully and entirely responsible for all that has been done as the particular Minister who presided over the Home Office. It has been charged against my right hon. Friend that he exhibited great vacillation, great weakness, and great change of purpose in dealing with this subject. But, my Lords, there has been no vacillation and no change of purpose. The course which we have pursued from the first has been one and the same as that which was determined upon by the Cabinet after the most anxious and careful consideration, and which was founded upon the best opinions we could obtain—those of the present as well as of former Law Officers of the Crown. The noble Earl who has just sat down (Earl Cowper) has spoken as if it was in 1866 that the right of the Crown to prevent meetings in the Parks was first called in question. That, however, is far from being the case. It is hardly necessary for me to remind your Lordships of the systematic disturbances which took place in Hyde Park on many successive Sundays in 1855, and to which the Government of that day did not think it was their duty, or that they had a right to put a stop until an absolute riot took place, although much alarm was caused to peaceable persons frequenting the Park. In the case of those disturbances a Commission was appointed to inquire whether the police had not, to a certain extent, exceeded their duty; and the Report of that Commission did not, I believe, completely exonerate some members of the force from the charge. That being so, in 1856 the Government of the day submitted the question of the right of the Crown to prevent meetings in the Parks to their Law Officers, one of whom, I am happy to say, is a distinguished Member of your Lordships' House at the present moment. The Law Officers to whom this reference was made were the present Chief Justice of the Queen's Bench (Sir Alexander Cockburn), the noble and learned Lord opposite (Lord Westbury) then Sir Richard Bethell, and Mr. Willes. Now, I look upon it as most important that there should be no mistake about this matter, and I therefore trust your Lordships will not think that I am trespassing uselessly on your time if I read the Questions which were put to those eminent lawyers and the Opinions which they gave in reply, because it was on those Opinions, and not on anything subsequent to them, that we based the course which we took in July 1866. In 1856, then, a

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case was submitted on behalf of the Board of Works to the Law Officers of the Crown for their opinion on the following points in relation to the metropolitan Parks:—

“First, Is there any authority to close the gates of the enclosures and exclude the public altogether during the day? Second, The gates of the enclosures being open, is there any authority to prevent the ingress of persons to the enclosures, those persons conducting themselves properly and orderly in their attempt to obtain ingress? Third, Supposing persons to have entered, and to preach, or play upon musical instruments, or to sing, does any authority exist to turn persons so preaching, or playing, or singing, out of the Parks, supposing they do not obstruct a thoroughfare or cause a disturbance? and, if so, you are particularly requested to state what is the nature of the authority, and how is it derived.”

Now, how did the Law Officers of the Crown answer that reference from the Government?

Opinion.—First, We think that there is a right in point of law to close the gates and exclude the public from the Parks. Second, We think that, the gates being open, there is a right on the part of the Crown to exclude persons attempting to gain admission; but we do not think this right should be exercised against particular individuals, unless in case of previous misconduct. Third, If persons who have entered commence to preach or play, they cannot be turned out without proper notice to them that the permission or licence of the Crown to the public to enjoy the Park is conditional only, and does not apply to persons who so conduct themselves; and the best way of giving such notice is by posting it up at the entrances of the Parks. The authority to close and exclude the public from the Parks is that which every landowner has to prevent the public from trespassing on his lands; for we are of opinion that the public have not acquired any legal right to use the Parks by reason of the continued user under the licence and by favour of the Crown.”

Now, my Lords, that was the opinion distinctly laid down for the guidance of the Government in 1856; and on that opinion Her Majesty's present Government acted when the attempt was made to enter the Park in July, 1866. According to that opinion we had a right to exclude the public altogether; but we ought not to interfere with persons who had obtained entrance into the Park, without previous notice, unless they were misconducting themselves—and even in that respect the power of the Crown did not extend beyond the ordinary right of a private proprietor to remove trespassers from his ground. The noble Earl (Earl Cowper) appears to assume that up to 1866 the law of the case was unknown. The law of the case was distinctly laid down in 1856; and with the knowledge that that was the sole remedy

available, to the year 1856 down to 1866 the Government did not think fit to take a single step for asserting further the authority of the Crown over the Parks. Well, in 1866 we acted upon the opinion of the Law Officers of our predecessors — and everybody who knows them knows that there could not be any higher authorities than the noble and learned Lord opposite (Lord Westbury) and the present Lord Chief Justice Cockburn. We took the only course which, according to their opinion, we could have taken — namely, that of excluding the people by shutting the gates of the Park and announcing that they should not be admitted. My Lords, you all know the unfortunate results of that proceeding; and certainly, whatever may be the right of the Crown, I should not be disposed, under such circumstances as then occurred, to repeat an experiment which had such disastrous consequences — which led to such serious collision between the police and the people — which kept up so much angry and ill-feeling — and for a considerable period afterwards rendered the Parks the constant resort of the most lawless, abandoned, and profligate characters. But then it is asked, “When did you take the opinion of your own Law Officers?” My Lords, we took it immediately after the failure of the step which we had adopted upon the advice given to our predecessors; we laid a copy of the Opinion which I have just read to your Lordships before the then Law Officers of the Crown, my noble and learned Friend who was then Attorney General (Lord Cairns) and the Solicitor General Sir William Bovill, the present Chief Justice of the Court of Common Pleas, with a request that they would favour Mr. Secretary Walpole with their opinion on this question —

“Whether, supposing a number of persons who have already entered Hyde Park to form themselves into a meeting for the discussion of political subjects, there is any legal authority to disperse such meeting by force, even though a general notice may have been given that meetings of that description will not be allowed?”

Their answer was as follows:—

“Opinion.—First. We are of opinion that every person entering and remaining in the Park must in law be taken to do so by the licence of the Crown or of those acting in the management of the Park; that it is competent at any time to revoke this licence, or to annex to it a condition that those who avail themselves of it must not form, engage in, or attend meetings of a political character in the Park, and that on this condition being broken the licence is at an end,

and the person breaking it becomes a trespasser, and may, if he refuse to leave the Park on notice or warning, be removed. It would, of course, be necessary to bring home to the knowledge of the person to be removed that a condition such as above supposed has been annexed to the general licence to enter the Park; this might be done to a great extent by public notices in and about the Park; though it is possible to suppose that, notwithstanding publication of notices, however extensive, individual cases might occur when, from inability to read or otherwise, actual knowledge of the condition would not be imputed, and in such cases it would be necessary to show an express warning to leave. But we are bound to state that, though the legal right of removal is such as we have described, we do not consider that in the case of any large assembly the right could practically be exercised with safety, or that such an assembly could be ‘dispersed by force’ in the sense in which that term is ordinarily understood. The right of removal is a right to remove each separate individual as a trespasser, by putting him out of the Park, using just so much force (and no more) as is necessary for that purpose. It is a separate right against each individual. The assembly (assuming it to be orderly) are not united in doing an illegal act, and there is no right to disperse them, or coerce them as a body of rioters or disorderly persons. It appears to us that it would not be practicable to remove each individual, or any considerable number of persons, and to prevent them returning; and it is also highly probable that the effort to remove any particular person or persons with the degree of force that would be justifiable would or might soon become confused by a resistance from bystanders, which would introduce into the operation elements of great difficulty and embarrassment. On the whole, we should answer the question proposed to us by saying that, in our opinion, there is not for any practical purpose a legal authority to disperse by force a meeting of the kind supposed, consisting of a large number of persons, and that whether notice has or has not been given beforehand.”

The date of that Opinion is the 28th of July, 1866, a few days subsequent to the meeting that had taken place, and the opinion was asked in consequence of the failure of that remedy which had been suggested by the Law Officers of our predecessors for the protection—I will not say of the right of the Crown—but rather of the whole people in the neighbourhood of London, for whose recreation and harmless and innocent amusement the Parks are kept in that beautiful order in which it is most important that they should continue to be maintained. Well, the noble Earl (Earl Cowper) has said, “After giving this notice, and knowing that practically you had no authority to enforce it, why did you not proceed forthwith to bring in a measure for strengthening the authority of the Crown?”

EARL COWPER was understood to say, that he had asked, if they intended to in-

introduce such a measure, why they did not introduce it at once?

THE EARL OF DERBY: The noble Earl asks, if we intended to strengthen the authority of the Crown, why did we not do it at once. Let me remind him of the circumstances of the case. The legal opinion was given very shortly before the close of the Session, or on the 28th of July, when there was still considerable excitement on the subject, and also at a time when the leaders of the Reform League, or the party who forced an entrance into the Park, had announced their intention to try the question by an action at law, and when the Government had assured them that it would afford them every facility for that purpose. Well, my Lords, when that question was boldly met by the leaders of the League, or by the Reform party—I do not like to say the names of those connected with that matter of entering the Park—but when there was a distinct notice on the part of the leaders of that movement that they intended to appeal to the tribunals of the land for a decision on the legal right, and the Crown had said that every facility should be afforded them for so trying their right if they believed they had one, I think your Lordships will see that that was not the time for us to assume that we had the right, and prepare to vindicate and strengthen the right of the Crown by introducing a measure at the close of the Session which could not have been passed that year, and which could only have embittered the whole controversy. It was, however, said, “Why did you not bring in a measure immediately at the commencement of the present Session?” Well, what had taken place in the course of the autumn? Large demonstrations—exhibitions, I do not say of physical force, but of numbers—were prepared and carried out for the purpose of influencing the mind of Parliament. The first of these, attended by I believe some 25,000 persons, took place in the month of November. And what was the course pursued by those by whom it was directed? Did they insist upon the right of going to the Park? No, my Lords; they distinctly stated that they had no right to go there, and they asked for the permission of the Government to go to the Park, distinctly avowing that they did not claim it as a matter of right but as a favour. Subsequently the Government offered them Primrose Hill. They afterwards got the use of a place of meeting from a private nobleman, not a

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strong Reformer; they availed themselves of that place in preference; and whatever was the result of that meeting, it was not interfered with by the Government. But just before Parliament met there was another meeting. Did they go to Hyde Park; No, there was no such suggestion. They proposed to pass through the streets in procession to the great hall at Islington Market, where their leaders delivered their harangues to them. All these processions were productive of great public inconvenience, and interfered very much with the ordinary traffic and business of the metropolis. But your Lordships will remember that neither at these processions nor at these meetings was there anything to warrant the interference of the Government. And I must also say with regard to these proceedings that the inhabitants of London were singularly apathetic; because on the second occasion, when they might have apprehended some risk of danger and injury, they did not respond in the slightest degree to the offer made them to swear in special constables for the protection of the public peace. Up to a considerable period after the opening of the Session of Parliament we had no reason to believe but that the question of the right of the Crown was undisputed, as I think it was indisputable. We had every reason to believe that the leaders of the movement would pursue that course which we told them we would facilitate—namely, to try their alleged right by an action at law. And it was not until a time very closely approaching the day of the late meeting in the Park that we knew there was an absolute decision on their part to hold that meeting even in defiance of the Government. Public opinion was strongly manifested within a few days, and in the course of a few hours more than 16,000 signatures were attached to petitions praying us to take steps to prevent processions from passing through the streets and otherwise to protect property. That course, however, we were unable to take, because the law did not enable us to interfere with any peaceable and orderly procession through the streets; but if there were apprehensions of violence, either from those who took part in the procession or from the mixed rabble who would be sure to accompany them, then it would be necessary to swear in special constables for the purpose of protecting themselves and the property in the neighbourhood. When it became apparent that there was a very

strong disposition on the part of the leaders of that movement to hold their meeting whatever might happen, Her Majesty's Government had then to consider very carefully the course which it was expedient to pursue. And then it was that, by the advice of the Cabinet, and after consulting the Law Officers, it was determined that my right hon. Friend the Home Secretary should issue the notice to which so much reference is made. The noble Earl did not quote the words of that notice, but I beg that he will bear in mind what they were—

“Whereas the use of the Park for the purpose of holding such meeting is not permitted, and interferes with the object for which Her Majesty has been pleased to open the Park for the general enjoyment of her people, now, all persons are hereby warned and admonished to abstain from attending, aiding, or taking part in any such meeting, or from entering the Park with a view to attend, aid, or take part in such meeting.”

The noble Earl interpolated the words “warned not to attend the meeting at their peril,” and he inferred from it that what was intended was to put a stop to that meeting by force, however peaceable it might be. But the object of that notice was very obvious. It was to warn all parties, and especially the leaders, that they would subject themselves to legal consequences, and would be committing an illegal act as trespassers, if they persisted in holding that meeting. My Lords, in order that there might be no question about it, it was thought right to serve that notice on some of the principal persons expected to take part in the proceedings; and consequently notices were personally served on sixteen of the most leading and most prominent of the body, warning them, personally and individually, that they would make themselves liable to be proceeded against as trespassers if they should, in spite of the warning, persist in holding the meeting. It was intended, and it is intended, to take legal steps for vindicating and establishing for the public the rights of the Crown. We intend to take such steps as the Law Officers of the Crown may advise against one or more of these individuals, in order that there may be no question or cavil raised as to the right of the Crown, and the fact of this being a trespass. Then arose a very difficult question—how to deal with the case in the event of the meeting nevertheless being held; and I certainly did not think it necessary or expedient, on the Friday even-

ing when my right hon. Friend (Mr. Walpole) was questioned as to what course was to be pursued, that he should publicly and openly declare to all parties who were concerned that the Government had no power to do anything except to proceed for trespass. I did not think it expedient to say to these persons, “You may hold your meeting in defiance of the Government with perfect impunity.” I preferred that the course of the Government should be left to their discretion, instead of giving public notice that although the holding of the meeting was prohibited it was not our intention to take any steps whatever. But the instructions given to the police for which the noble Earl has moved, but which he does not wish me to produce, were in substance that the police were to take every precaution in their power against any violation of the public peace; but that so long as the meeting was conducted in an orderly and peaceable manner they were to do nothing to risk a collision with the people. We knew then the nature of the powers which we possessed; and when the meeting took place the question was this—Shall we proceed with a small number of police—one, two, or three policemen to each of the leaders of that meeting—shall they place their hands on their shoulders and desire them individually and generally to leave the Park? Now, my noble and learned Friend (Lord Cairns) foresaw in the opinion he gave the danger that would arise from this course of proceeding. Even if the individuals present had not been disposed to resist the legal authority of the police, it would be impossible to say that the multitude who would be around them might not attempt to rescue their leaders. In that case a collision would have been imminent. The police would have been brought into collision with a body of from 5,000 to 10,000 or 20,000 persons, and then it would have been necessary to call in the military force, and there was an ample power at hand to meet any riot that might arise. It was not necessary to use that force, in consequence in the first place of the forbearance of the Government, and in the next place in consequence of that to which I wish to do the fullest credit and justice—the orderly, peaceable, and admirable behaviour of that vast crowd. But had we any right to calculate on that orderly behaviour after what happened the year before? Should we not have abandoned our most sacred duties if we had not had an ample force at hand—although it

was kept studiously out of sight, with a view to avoid any strife or ill-feeling, but at the same time ready to suppress any such disgraceful scenes as those of last year? Happily, the services of that force were not required. I will say, my Lords, over and over again, that I consider as nothing the temporary violation of what I believe to be the undisputed right of the Crown—a subject more especially to be dealt with by a measure placing it on a more satisfactory footing—I say I consider that as nothing in comparison with the risk which might have occurred if in the exercise of that power we had brought on a collision between an infuriated mob and a large force of the military and police. My Lords, I have now given you the best details in my power as to the course and the motives on which the Government have proceeded. I have now given you the authority on which we have acted—the difficulties in which we found ourselves placed—the certainty that the Crown possessed rights, but the uncertainty, on the other hand, and the extreme difficulty of enforcing those rights. It is not for the purpose of establishing those rights that we bring in a Bill, but to establish the means of giving effect to them. In the meantime I think that none of the noble Lords on the opposite side will contend that when the first notice was given, a short time before the day fixed for the actual meeting, it was advisable to say “The Government do not possess sufficient power, but we will bring in a Bill to put down this special meeting which has been advertised to take place.” In my opinion, the course pursued by the Government has not been vacillating, has not been uncertain. It has been decided upon from the beginning, after anxious consideration, and after the best advice we could take; and after the forbearing course they have pursued, even if they have subjected themselves to some slight humiliation in the public mind, as having sanctioned or allowed a violation of the law, I shall rest satisfied in my own conscience that the course pursued has been the most conducive to the real interests of the country, to the preservation of order, and to the full and due consideration alike of the rights of the Crown and the rights of the people.

EARL RUSSELL: My Lords, it is with great reluctance that I enter upon this discussion; but my noble Friend (Earl Cowper) having brought the question forward, and the noble Earl having defended

the course of the Government, I must say that I entirely agree with my noble Friend, and do not agree with the noble Earl that he has made out his case as to the wisdom of the course that has been pursued. I think that the results have been most unfortunate. The course taken last year by the Government led to a great deal of outrage, and the course pursued this year has exposed the authority of the law and the dignity of the Crown to a degree of contempt that I hardly ever remember before. With regard to what the noble Earl has said of Mr. Walpole, I entirely agree in the opinion that a more conscientious, a more amiable, and a more honourable man never entered the public service. I cannot, however, say that I regret he should leave the Home Department; for I think that of all the Departments of the public service the office for which he is least fitted is that of Home Secretary. Now, with regard to the course the Government have pursued, the noble Earl is quite right in saying that if any faults have been committed they are not the faults of Mr. Walpole, but they are the faults of the Cabinet of the noble Earl. The noble Earl has pursued a most unusual course, and one which may be productive of injury at a future time. He has produced the very words and terms of the Opinions of the Law Officers of the Crown; in the first place, the Opinion of the Law Officers of a former Government; and, in the next place, the Opinion of the Law Officers of his own Government. It has been the rule for Law Officers of the Crown, whatever Government might be in power, to object to their Opinions being produced, and I remember Lord Lyndhurst stating this objection in the strongest terms. But in what manner do these Opinions bear out the noble Earl? Let us recollect that the business of the Law Officers of the Crown, when they are asked their opinion, is to inform the Government what in their judgment is the law on the subject. The Law Officers of the present Government have gone rather further than that, in stating what is practicable; but the whole question of discretion rests with the Government—with the Cabinet—and not with the Law Officers of the Crown. The noble Earl states that in 1856 the then Law Officers of the Crown gave an opinion that there were certain powers which existed, and that it was lawful to exclude persons from the Parks, but that from 1856 to 1866 that opinion was never acted upon. Now,

I should have thought that that circumstance, instead of being an argument in favour of the noble Earl, was an argument against him; for it seems to me that although these were the legal powers—and no doubt they were rightly stated by my noble and learned Friend (Lord Westbury) and his Colleagues—you ought not to attempt to exercise those powers unless in a case in which obedience would willingly and readily be rendered. When, for instance, there is a review, and it is inconvenient that carriages should go into the Park, the large numbers of people who flock to witness the spectacle are quite content that the gates should be shut, except at certain hours and under certain regulations. But when there was a question of great numbers wishing to enter the Park and hold a meeting there, it was obvious that, if the Park were closed against them, there was great probability of resistance, and of force being used. I think, therefore, that it was most unwise, most inexpedient, to attempt to shut the people out of the Park in July, 1866. We all know the deplorable consequences which followed, and I cannot wonder that the noble Earl, having in his mind the knowledge of those consequences, now says that he was not prepared to repeat that experiment. But that is, to say the least, no proof of the wisdom of the course which had been previously pursued. The matter ended on that occasion in Mr. Beales saying, on the part of the Reform League, that he maintained there was a perfectly legal right to hold a meeting in the Park, and in Mr. Walpole saying, on the other hand, that there was no such right, and that he was disposed to give every facility for the trial of the question. Mr. Beales subsequently declared that he could not find any convenient way of trying the matter in a Court of Law, but he never retracted his opinion on the subject; I say, then, that if it was held by the Government that the right of the public to meet in Hyde Park should be denied, the beginning of the Session was obviously the time when they ought to have introduced a Bill with that object. If that had been done, and if Parliament had approved the Bill, everybody would have known that such a law had been enacted, and that any step which might be taken for holding a meeting in the Park would be quite illegal, and would entail certain consequences. But it appears to me that the Government committed a much greater fault than that when

they, not having introduced any Bill, and Mr. Beales and his friends having announced that they intended to hold a meeting in the Park, the Government decided on the Friday evening—the noble Earl personally assumes the responsibility of that opinion—that they would not inform the public what course they really intended to take. I do not think the way to treat the people of this country is to be mysterious. You ought to tell them what is the law, and what course you intend to pursue. The more frank you are, the more sincerity you show towards the people of this country, the better for the Government. On that Friday evening—when they had ascertained from the very clear opinion of those who were the Law Officers of the Crown on the formation of the present Cabinet that it would be merely a trespass, that all they could do was to tell the people they were committing a trespass, that if any attempt was to be made to remove them it must not be an attempt to remove whole bodies, but only to remove individuals, and that that would be so inconvenient, and would probably be attended with so much risk of a collision, that it was, in fact, impracticable—why not have said that, such being the state of the law, it was not the intention of the Government to interfere with the proposed meeting? That was the position in which they stood, and why not have stated it? Instead, however, of so doing, they held out, by the notice given by the Secretary of State, a kind of mysterious threat, on which they never intended to act, and which everybody construed as they pleased. There were many persons with whom I conversed at the time on the subject, and some said one thing and some another. Some supposed that persons would be dragged out of the Park and taken to the police-office to answer for their offence; others imagined that the whole crowd would be desired to move on and move out, and anticipated what consequences might accrue from their probable resistance. Now, I contend that it is not wise to expose the authority of Her Majesty's Secretary of State to these constructions when all the time you mean not to interfere, and intend to allow the people to hold the meeting. I entirely agree in the opinion that, such being the state of the law, it was discreet not to interfere with the meeting; but the consequence of holding out mysterious threats and not acting upon them is that the authority of the law and the authority

of the Crown have been exposed to disrespect, and that those who might have been permitted to go into the Park with the consent of the authorities and hold their meeting quietly, having persisted after being thus threatened, have appeared to gain a great public triumph. The Government might have preserved their dignity; they might have fairly stated how the law stood, and have allowed the meeting to be held; but by the course they adopted they have exposed their own dignity and the authority of the Crown to disrespect, and have given occasion for great jubilation on the part of those who declared that they were determined, whatever the nature of the law, to assert what they deemed their constitutional right. Now, I see no good—on the contrary, I see very great disadvantage—in affording that sort of triumph to great crowds of people, for the precedent may be attended with unpleasant results on some other occasion. With regard to the future, I do hope that, having committed two such capital mistakes—the great mistake last year of trying to keep the people out, and the mistake this year which has led to a great diminution of the respect for authority—the Government will now leave Hyde Park alone. They may be prepared to deal with the great question of Reform, but the question of Hyde Park is one rather beyond them; it is one with which they cannot deal with any advantage. With regard to holding meetings in Hyde Park, a great deal of fear and alarm has been expressed in this luxurious and timid capital as to the effect of such meetings. At Birmingham, at Glasgow, and elsewhere they all submit to the inconvenience of these crowds, but the people of London are exceedingly alarmed by them; and no doubt, under the effect of that alarm, if a Bill had been brought in early in the Session there would have been very little opposition to it, and we should, at all events, have been aware how the law stood. But what has happened from that meeting having been held? Why, we have now come to see how very harmless a thing it may be. If there is no opposition on the part of the Crown, if there is no resistance on the part of the police and military, thousands of people may collect in Hyde Park; they may hold their meeting, and after an hour or two's speeches, probably not of a very exciting kind, they all go quietly home. It is supposed—and I am sorry to see Mr. Beales supposes—that it would

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be well to have a political meeting every week in Hyde Park. I believe, however—though the noble Earl, perhaps, may not concur in that opinion—that this is a question that may be left to the good sense and discretion of the people themselves. When there is now and then a great crisis, people might wish to have such meetings as that held on Monday; but that men who have been at their work all day, who are fatigued with the number of hours they have spent in toil, and naturally wish to get to their homes, would be very anxious to go every week and hear some very indifferent speakers in Hyde Park is a thing I cannot believe. The first week there might be some crowd, the second there would probably be much less, and on the third meeting, perhaps fifty people. I think, therefore, the Government should have the good sense and discretion not to take any further step, and not to proceed with the Bill which they have introduced, but leave it to the people themselves to take the part which is discreet, and which, in their opinion, their own interest require. I believe you had much better trust to that discretion and good conduct which a civilized people in this metropolis will naturally manifest than to any measure which may be carried through Parliament.

THE EARL OF DERBY: Perhaps the noble Earl would inform us whether he is desirous that the right which by law is exercised by the Crown of prohibiting religious and political meetings in the Parks should be done away with, and that a declaration should be made on the part of the Government that such meetings may be held in the Parks without let or hindrance, except in case of riot; or is he of opinion that the rights of the Crown should be exercised and the privileges of the people of the metropolis in general maintained and protected?

EARL RUSSELL: I do not mean to say that there should be a complete abolition of all restraint; but what I say is that you may fairly rely upon the discretion of the people. You cannot rely upon the discretion of everybody that goes there, perhaps, to preach, and it may be necessary to interfere with such a person; but what I say is, that this is a matter which may be fairly left to the discretion of the people. I say, too, it may fairly be left to the discretion of the Government, if it were not that the Government have shown themselves exceedingly indiscreet. If there

were no meetings of any importance held in the Park for ten years between 1856 and 1866 surely the matter might be left to the good feeling of the people and the good sense of the Government.

THE EARL OF DERBY: In what other mode, may I ask, would you be prepared to deal with it?

EARL RUSSELL: In case of continued attempts to hold meetings for religious or political purposes, it would be necessary, I suppose, to have a Bill. If the law were declared the people, no doubt, would obey a Proclamation; but such a Proclamation as was issued the other day is perfectly useless.

THE LORD CHANCELLOR: My Lords, this question is so important, and it is so essential that the public should understand perfectly the justification of the Government for the proceedings which were taken, that I take leave for a short time to trespass on your Lordships' attention in order to show that the course adopted by them was one, if not of "wisdom"—the word used by the noble Earl—at all events the most proper and almost the necessary course. My Lords, there are difficulties involved in this subject which none can fairly understand who have not given it the closest and most careful attention. I have heard the most inconsiderate opinions expressed as to our proceedings by persons out of doors, by persons who were evidently ignorant of the powers with which we are intrusted, and who have never reflected upon the necessity of using those powers with the utmost caution and discretion. My Lords, those who are now criticizing us have the advantage of judging after the event, and yet I think we may fairly ask them, when they blame us for the conduct we pursued, what course they think would have been the most desirable—because up to the present I have not heard any intimation of an opinion on that subject.

EARL RUSSELL: I would recommend the course which was taken in 1848.

THE LORD CHANCELLOR: The noble Earl says the course which was taken in 1848; but if he had kindly communicated to us what that course was we should have been better able to judge of it. I have no recollection on the subject; but I am told that there was no proposal at that time to hold a meeting in the Park. However that may be, I pass on to the subject in hand. I am bound to say that the Government acted on this occasion,

after the best exercise of its judgment, with an anxious desire to use every means in its power to prevent a breach of the public peace, and, at the same time, with as much forbearance as was required to prevent any bad consequences ensuing from their interference; and, my Lords, I may confidently say that I think we succeeded, first of all, in putting the persons who convened the meeting in the wrong, and leaving it open to us to vindicate the law upon the proper grounds. My Lords, the question of the right of the Crown to the Parks and of the privileges of the people had not arisen until, I think, about 1855. It was generally understood that the Parks belonged to the Crown, but there was a vague notion that they were a sort of public property in which the people had independent rights. My Lords, the subject was first brought under public attention in that year, 1855, when, as your Lordships may remember, there were riotous assemblages in Hyde Park, in consequence of a Bill introduced by my noble Friend (Lord Ebury) into the House of Commons upon Sunday trading. A collision took place upon that occasion between the persons assembled and the police which led to a debate in the House of Commons. In that debate Mr. Duncombe, the Member for Finsbury, in the strongest and most positive terms, asserted the right of the people over the Parks. My right hon. Friend Sir George Grey, who was then Secretary of State for the Home Department, having probably been taken unawares upon this question, and not being prepared to answer it with sufficient precision, rather hastily seemed to admit that such a right existed in the public, for he said—

"It is the privilege of the inhabitants of London to visit the Parks—the hon. Gentleman says it is their right—and no doubt it is their right—but qualified in this way they have no right to go there to molest other people who have an equal right with themselves."—[3 *Hansard*, cxxxix. 461.]

Your Lordships have heard from my noble Friend that the Government of that day thought proper to issue a Commission upon this question. That Commission was directed to three very able lawyers, and they made a Report upon the subject. As far as the abstract right was concerned, the Report was an authoritative exposition of the right of the Crown; but with regard to any practical mode of asserting that right against any in-

vasion the Report was perfectly silent. The Commissioners said—

"It seems to us that meetings of this nature might properly be interdicted and suppressed as novel, and not sanctioned by usage or the regulations of Hyde Park. To make Hyde Park an arena for the discussion of popular and exciting topics would be inconsistent with the chief purposes for which it is thrown open to and used by the public."

My Lords, as I have said, that is an authoritative exposition of the rights of the Crown, but there is no practical suggestion in the Report how to assert those rights. But in the following year the necessity for exactly understanding the power which existed for preventing any intrusion on the right of the Crown arose. As your Lordships have heard, crowds were in the habit of attending on the Sunday listening to bands of music, and complaint having been made on the subject the Government of that day thought it right to take the opinion of the Law Officers of the Crown. You have heard from my noble Friend the Opinions of the Law Officers of the Crown, and it has been stated that it was never allowed to produce such Opinions except with the sanction of the Law Officers themselves. But, my Lords, if I am not very much mistaken, it turned out that, under the Government of which the noble Lord was a Member (the Earl of Aberdeen), the Duke of Newcastle, who was then Secretary of State for the Colonies, thought it right, in the case of the *Tuscarora*, to send out to captains of vessels the opinion of the Law Officers of the Crown.

VISCOUNT HALIFAX was understood to say, that what was then sent out was an instruction how to act, founded upon the Opinion of the Law Officers of the Crown.

THE LORD CHANCELLOR: However that may be, this I know, that my noble Friend was perfectly right in stating that these were the Opinions of the Law Officers. Your Lordships have heard what the opinion of the Law Officers was. They were of opinion that the Crown had a right to close the gates of the Park, and also that the populace who came there could be treated as trespassers, and only as trespassers, after warning given that the licence granted was withdrawn. They also thought that the best mode of giving that warning was to post it at the entrance to the Park. Now, if my noble and learned Friend (Lord Westbury) will forgive me, I do not think that would be sufficient; because if you proceed against a trespasser where licence has been with-

drawn, you must show that he had personal notice of the withdrawal of the licence. Therefore, unless you can show that the person against whom you proceed had particular notice, or can bring home to him a knowledge of the notice on the Park gates, you would fail against him. However, that is not of very much importance. As my noble Friend stated, and as your Lordships will observe, this Opinion was the first which instructed the Government in the proper mode of proceeding, and it was the Opinion which we acted upon in 1866. And not only did we act upon that Opinion in 1866, but the late Government also acted upon it; and hence has arisen a singular state of things, which up to the present has not been brought under the notice of your Lordships. The present Government came into office on the 6th of July last year. Shortly before that time there had been an announcement made of the intention of certain persons to hold a meeting in Trafalgar Square, at which, I think, Mr. Beales was to be the chairman. My Lords, the opinion which Sir George Grey entertained as to the legality of that meeting will not be an unimportant point for your Lordships' consideration. In the course of a debate which occurred afterwards, Sir George Grey said—

"I stated that, as far as I was informed, it was a legal meeting; that any meeting at which language was held calculated to provoke a breach of the peace was an illegal meeting; but that a meeting held for the purpose of discussing Parliamentary Reform was not in itself illegal."—[3 *Hansard*, clxxxiv. 1405.]

And the Home Secretary directed that a letter should be written to Mr. Beales by Sir Richard Mayne, which letter is dated the 2nd of July, four days before the present Government came into office. Now, that letter was in these terms—

"The Commissioner of Police of the Metropolis has to acquaint the president or chairman of the public meeting to be held this evening in Trafalgar Square that the police have instructions not to prevent, or in any way interfere with the holding of the meeting in a peaceable and quiet manner; but, should bodies of persons proceed together about the streets in such a manner as by their numbers, noise, demeanour, or language, is calculated to cause a breach of the peace, or excite terror or alarm in the minds of Her Majesty's subjects, it will become the duty of the police to prevent, and, if necessary, put a stop to such proceedings, and apprehend persons encouraging those engaged in them, and others who continue to act with them."

But, my Lords, there is another singular circumstance. That meeting which was afterwards held on the 23rd of July, 1866,

to which my noble Friend has alluded, had been announced before the late Government went out of office; and Sir George Grey, in some observations he made in the debate to which I have alluded, said—

“About that time Sir Richard Mayne informed me that it was reported it was intended to hold a meeting in Hyde Park. I told him that, in accordance with the course that had been adopted for some years past by the Government, the meeting in Hyde Park would not be permitted, and that I wished that an intimation to that effect should be made to those who were engaged in organizing the proposed meeting.”—[3 *Hansard*, clxxxiv. 1406.]

My Lords, I do not know whether any such notification was given; but, at all events, I may assume that if the Government had remained in office, such a notification would be made to the persons who were organizing that meeting. Now, what steps the Government were prepared to take, supposing the notification to have been made and contravened, we are of course unable to say. I take for granted, as their attention had been called to the subject, they had in some way or other determined on their course. However, we had no intimation on the subject. We have not therefore the benefit of their views and opinions on the matter. Well, my Lords, this was the state of things when we entered office on the 6th of July. The announcement had been made prior to our accepting office that the meeting would be held in Hyde Park on the 23rd of July. We had no guide at that time, except the Opinion which had been given in 1856 by the Law Officers of the Crown of that day, and by that Opinion we were told that it was competent to the Crown to close the gates and forbid the entrance of the public, and also that we must warn persons that they would become trespassers if they went into the Park after notice that the licence of the Crown had been withdrawn. We adopted to the very letter the advice so given by the then Law Officers of the Crown. We closed the gates with the consequences which your Lordships will remember, though not without some effect, because it appears that the leaders of that intended meeting, who would have been the principal speakers, came to the gates of the Marble Arch and desired to be admitted, and on refusal went away and took no part in the lawless proceedings that ensued. But unfortunately there were a number of men of a very different stamp, who always will join large bodies of the people, intent on their own objects

of confusion and plunder; and this increases the responsibility of those who collect meetings of this description in the metropolis. These persons resolved not to return home without their object being accomplished, and, as your Lordships will remember, they broke down the palings and afterwards committed considerable destruction. As meetings of a similar kind were proposed to be held, we thought it necessary upon that occasion to take the Opinion of our own Law Officers. That Opinion was given to us; it is one of great value and importance—an Opinion confirmed in fact by the Opinion given by the Law Officers in 1856, showing that we had no power whatever to treat the persons who came in a body to meetings of the kind in any other light than as trespassers; but, at the same time, saying that it would be almost impossible to carry into effect the mode that would be adopted with regard to ordinary trespassers in private parks. That was the state of things when the meeting for Monday last was announced. We were told that the meeting itself, being for the purpose of discussing Parliamentary Reform, was not an illegal meeting—it had been so stated by the Law Officers in 1856 and by Sir George Grey—and it would be impossible to remove the parties by force. We were also aware that although persons attended meetings of that description, it would not render them more than trespassers, and that the only way to proceed against them on the spot was to warn them—to desire them to leave the Park, and, if they refused, to use just such force as the Law Officers said made it a mode of proceeding entirely out of the question. In the first place, it was necessary either to have a large body of police to enforce submission to the order to leave the Park, which, in such an assemblage of persons necessarily lead to a collision, and probably to fatal consequences; or to instruct two or three policemen to pierce the mass of the people, if they could do so, to arrive at the person addressing the assembly to give him the warning, and proceed against him in the same manner, which, of course, might lead to the same violence. What, then, was the course adopted? And here I must appeal to the candid and fair consideration of your Lordships. What was the course, and the only course, open to us to pursue? We thought that it would be right to adopt the suggestion of the Law Officers of 1856 by giving a

general notice throughout the metropolis, and especially near the Park, in the terms which my noble Friend has read to the House. And with regard to that notice, I have one observation to make. It has been said that notice should have been issued by the Chief Commissioner of Police, and not by the Secretary of State; but the notice given in 1856 was signed by the Chief Commissioner, and then it was said that excited the people; so that if any notice at all was to be given it was very difficult with these conflicting opinions to know exactly by whom the notice should be signed. However, as I have said, it was not sufficient if we should proceed merely to rest on the notice we served or posted on the gates; it was necessary to bring home to the persons against whom we proposed to proceed a knowledge that they would not be permitted to enter Hyde Park for the purpose of holding the meeting, and therefore we directed that notice should be served on the leading parties who were organizing the meeting. I really do not understand what possible objection the noble Earl can have to the persons employed to serve this notice. It was absolutely necessary, your Lordships will recollect, to have proof that these notices were served, and proof that those on whom they were served attended the meeting, and took a prominent part in it. Therefore, I see no objection to the services of the police being employed in this manner, which certainly brought the parties into a position in which they could be proceeded against immediately as trespassers, and enabled us to vindicate the law and the rights and property of the Crown. My noble Friend also adverted to the fact of our having a large body of police and military in reserve in case any riot or violence should ensue, which would turn the meeting, originally lawful, into an unlawful assembly and justify us in dispersing it. Now, those who find fault with us are bound to tell us what course, in their opinion, we ought to have pursued. My Lords, I am addressing many noble Lords who know all the difficulties and responsibilities of a course of action upon emergencies of this description. There are noble Lords present who must have been in consultation in 1856, and certainly were parties to the deliberations of the Government in respect to the proceedings of last year. I may appeal to their candour and frankness, and I may ask them distinctly

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to tell us what, in their judgment, should have been the course the Government ought to have pursued, which at the same time that it placed them in a position to vindicate the law, enabled them to do it without any collision which might have taken place with a large assemblage of persons, and would have led to the most painful and deplorable consequences.

EARL GREY said, it was very desirable that some sufficient explanation should be given by the Ministers on this important subject. But it appeared to him the noble Earl at the head of the Government, and the noble and learned Lord who had just spoken (the Lord Chancellor), had alike failed in answering that which was the really important part of the question. He had not understood the noble Earl who commenced the discussion (Earl Cowper) to blame the Government for not having taken summary measures to prevent the meeting, but to say—and in this he (Earl Grey) perfectly agreed with him—that the Government were greatly to blame for having prohibited the meeting in a manner which created the belief that they intended forcibly to prevent its taking place, and afterwards allowing it to take place, so that it was made to appear that a triumph had been achieved over the constituted authorities. The more clearly the Government proved that they had no practical means of preventing the meeting, the more clearly they showed that they had acted without judgment in the matter. The Ministers knew as early as July last that if persons thought fit to hold a public meeting in the Park there were practically no means by which it would be in the power of the Government to prevent that intention being carried into effect, without the risk of very serious collision. Under these circumstances it was a singular course to adopt, when a meeting was announced, that the Secretary of State should issue such a notice as had been referred to. True, it was not a Proclamation in point of law, but it had the Royal arms on the top of the notice; it was printed in the ordinary form of a Proclamation, placed in public places, and was signed by the Secretary of State, though without the addition of the words, “by command of Her Majesty.” It had all the formality of an actual Proclamation, and informed Her Majesty’s subjects that a meeting for political discussion in the Park would not be permitted, and warned all persons not to attend such meeting. That notice by itself seemed almost to

imply the intention on the part of the Government to interfere. But the matter did not rest there. The Government took measures to assemble additional troops in London, and to concentrate a large force of police in the immediate neighbourhood of the Park. It had been said that it was necessary to take precautionary measures in case of a riot occurring; but if the meeting was not to be interfered with, and if no opposition was to be offered to the proceedings of those who called the meeting, would any man pretend to say that the ordinary military and police force in London would not have been amply sufficient? But as troops were brought to London the public naturally concluded from this large assembly of force in London that the Government intended to adopt measures which they thought would probably be resisted, and that resistance would provoke a disturbance which would require a considerable force for its suppression. This impression was confirmed by the circumstance of the Under Secretary of State being directed to address a letter to a number of vestry clerks, with a view to the swearing in of special constables, stating that an attempt would be made to hold a meeting in the Park. The issue of that letter certainly implied that the meeting would not be permitted, and the proceedings reported to have taken place in the House of Commons by no means weakened the inference; for though the language held on the part of the Government was undoubtedly ambiguous in some respects, yet it expressed most strongly their determination to prevent the meeting. The noble Earl at the head of the Government challenged those who blamed the course which had been pursued to state what course ought to have been taken. Well, he thought that if, instead of creating the belief that they meant to prevent by force the meeting taking place, the Government had simply announced that in the state of the law they did not think it expedient to take any measures of that kind; that, at the same time, they did not sanction the meeting, and if they had served notices on persons intending to take any part in the meeting, informing them that it was contrary to law, and that they would be held responsible for their conduct; if there had been no mystery on the subject, but if the Government had simply stated that they meant not, on the one hand, to sanction the meeting, nor, on the other, to take any forcible means to suppress it, there would

then have been no excitement in London, and Government would not have sustained a defeat. But by the course pursued these agitators were made to appear as having ostentatiously defied the Government with impunity and success. It was impossible to exaggerate the evil which might result from the prevalence of a notion to that effect. The whole peace and order of the country, and almost the very existence of society, depended on the general conviction that the power intrusted to the Ministers of the Crown was to be maintained according to law, and that no man and no set of men were strong enough to set the law at defiance with impunity. But the course which had been pursued was calculated to teach the lesson that the authorities of the country might be defied, and the Ministers of the Crown overruled by those who had sufficient audacity and determination to make the attempt. He feared that was a lesson which not only the members of the Reform League, but persons of a much more dangerous character might not be slow in learning. He would now say a single word on what had fallen from the noble Earl (Earl Russell) with respect to the uses which might be made of the Parks, and which he had heard with great regret. He, for one, did not scruple to say that he thought the Parks ought not to be used for purposes of political or religious agitation. He had no wish to interfere with the free and unrestrained assembling of the people in proper places for the object of legitimate discussion; he always held that view; but then the Parks were intended, not for political discussion, but for the recreation of the public at large. His noble Friend, in stating that in other large cities the parks were used for holding political and religious meetings, was, he believed, in error when he said so; for, if he was not misinformed, there was in the case of the parks of our principal towns a proviso by which they were expressly reserved for public recreation. He was told, also, on the best authority, that such was the case with regard to the parks in New York; they were devoted exclusively to the recreation of the people, and public meetings in them were not permitted. The noble Earl opposite had justly observed that if political meetings were allowed in the Parks, it would be difficult to prevent religious discussions there. Now, they all knew how great a nuisance the knots of persons who assembled together in the Parks for those pur-

poses were. If meetings, at which fierce passions and controversies were excited, were permitted to be held in the Parks, there would soon be an end to the use of them as places of recreation. He felt therefore persuaded that the Government were perfectly right in determining to maintain the authority of the Crown, and he trusted they would persevere in that determination. Unfortunately, however, he could not disguise from himself that the powers necessary for the purpose would now be applied for under circumstances, comparatively speaking, of great disadvantage. He hoped, at the same time, that if such powers were really required they would be granted by Parliament. He felt bound to dissent from his noble Friend, who seemed to think that the question was one which might be left altogether to the discretion of the people. He had not the slightest doubt that the public generally would act with great discretion in the matter; but if there were no authority to interfere with the conduct of individuals, there would, he was afraid, be found to be persons who would abuse the licence placed in their hands.

LORD CAIRNS: My Lords, your Lordships have the very great advantage in dealing with this question of having before you, on the one hand, the course which the Government have pursued as well as the motives, in pursuing it, by which they were actuated; and, on the other hand, the various suggestions made by noble Lords opposite, with which we can compare that which has been actually done. The noble Earl (Earl Russell) suggested for your Lordships' consideration two modes of proceeding, which he seemed to think better than that adopted by the Government; but I own I was unable to appreciate the consistency of those two courses. If I rightly understood the noble Earl, he deplored the great injury which, in his opinion, the majesty of the law has sustained owing to the course taken by the Government, and in order to maintain and vindicate the majesty of the law the course which he would advise would be to abandon the law and the rights of the Crown altogether; and whereas the law says the proprietary right to the Parks is in the Crown, the noble Earl would have the Executive say they will not maintain that right, but will leave it to the discretion of the people at large to say whether religious and political meetings should or should not be held in the Parks. I would take the

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liberty to ask the noble Earl this question. He would leave the discretion to the people; but suppose the discretion of the people were to take different channels, how would he act? Suppose 10,000, or 20,000, or 30,000 persons were to say that, in the exercise of their discretion, they would hold meetings every week in the Parks, and that the views of all the rest of the inhabitants of London should take the direction of thinking that the holding of public meetings there was eminently undesirable—I should like to know who is to settle the point of discretion between the contending parties. The noble Earl, however, put forward an alternative suggestion. Interposing in the discussion, he said, "The course I would have adopted is that which was pursued in 1848." But what, let me ask, was that course, and what the circumstances of that year? They were these. A sedition, and therefore an illegal, meeting was about to be held; the ordinary informations were lodged and the ordinary proofs adduced to show that the safety and peace of the metropolis were likely to be endangered. That being so, the noble Earl and the Executive of the country, of which he was the head, took steps to prevent the meeting altogether. Now, I would ask, which of the courses shadowed out by the noble Earl does he think the present Government ought to have adopted in reference to the recent meeting. Should the whole affair have been left to the discretion of the people, or should they have repeated the course taken in 1848, and prevented the meeting altogether?

EARL GRANVILLE: I am sure the noble and learned Lord does not wish to lead the House into any mistake in this matter. In 1848, there was no interference with the meeting. All that Mr. Fergus O'Connor was then prohibited from doing was the coming down in procession to the Houses of Parliament.

LORD CAIRNS: If that be so, the observation of the noble Earl to which I was just referring was without meaning. If the question in 1848 simply was, whether Mr. Fergus O'Connor should cross Westminster Bridge in order to reach the vicinity of the House of Commons, what did the noble Earl intend to convey when he said that the course which he should like to see pursued in the present instance was that which had been adopted in 1848? But, speaking from memory, I am much mistaken if it was not intimated to Mr.

Fergus O'Connor, there being great apprehension at the time of the congregation together of large numbers of persons under his leadership, that no meeting of that sort would be allowed. Be that as it may, I feel quite confident that the recommendations of the noble Earl to which I have referred, will not meet your Lordships' approbation, and I am glad to perceive that from no other noble Lord opposite have we had any expression of approval of the suggestion that the Parks should be left to the discretion of the people. The noble Earl who last spoke (Earl Grey) reduced the question to a very narrow issue. He said that, with one exception, the conduct of the Government was not, in his opinion, open to animadversion; and I rejoice to think that there appears to be perfect harmony as to one extremely important element in the case—that in the present state of the law there is not sufficient authority in the Crown, though its right may be undisputed, practically to prevent the Parks from being occupied by large public assemblies. The question really to be discussed to-night, then, is not so much one of substance as one of form. In substance your Lordships agree that being in possession of no further authority than the law as it stands gives, the Government acted wisely in not making any attempt to interrupt the progress of the meeting; and I own that I, for one, am of opinion that they acted wisely also in not introducing a Bill with reference to this subject until lately. Your Lordships will, I have no doubt, recollect how this question of meetings in the Parks "broke off"—if I may use the phrase—in July. A meeting was to be held at the end of that month, with respect to which great alarm was expressed. Ultimately the heads and originators of the meeting announced that it was not their intention to hold it; while, if I am not much mistaken, they informed the Secretary for the Home Department that they maintained their legal right to do so, and would take steps to have the question tried in a Court of Law, if the Government gave them the opportunity of doing so; and the right hon. Gentleman expressed himself ready to afford them every facility in his power. They did not then hold their meeting; and having taken no step to vindicate the legal right which they claimed, I think it would have been extremely unwise on the part of any Government to do anything but to cherish the hope and belief, which, I suppose, the Go-

vernment did entertain, that nothing more would be done to assert the alleged right to hold such meetings in the Park. But it is said that when another attempt to hold a meeting in the Park was announced, then was the proper time to introduce a Bill into Parliament on this subject. That is a point on which different opinions may very well be entertained. I should not at all have regretted if at that time the attention of Parliament had been invited to the matter. Still, there is a great deal to be said upon both sides of that question. Up to the last moment there was some hope that those who had announced the meeting would not persevere in the intention to hold it—I believe they were appealed to not to hold it by persons sympathizing with them in their political views—and if the Government, under those circumstances, had introduced a Bill, while it was uncertain whether the meeting would actually take place or not, it would have been said, and said with considerable justice, "Why, by asking Parliament to arm you with further powers, you have challenged those who have announced this meeting to establish the right which they claim." There remains, then, my Lords, that which the noble Earl who spoke last (Earl Grey) dwelt most upon—namely, the question of the Proclamation by notice. I read that notice, as I have no doubt many of your Lordships did, not in a very convenient way, while passing the public places where it was affixed; but I must confess that I did not at all put the interpretation upon it which I am told persons out of doors have done. With a feeling which was, perhaps, not wholly an unnatural one, people said, "Why, this is one of the ordinary Proclamations issued against seditious and illegal meetings, warning the public that they would not be allowed to be held." Anybody using common care, I should have thought, could hardly have come to such a conclusion. Perhaps I look upon it with too technical eyes; but it appears to me that the notice was exactly such a one as you would issue, not when you claimed the right to prevent and put down a meeting by force, but when you simply wished to warn those entering the Park to hold a meeting that the holding the meeting was not authorized or allowed, and that, therefore, they would be doing in Royal grounds that which was not permitted by those who had authority to grant a licence to enter those grounds. My Lords, it is very easy to look back

upon the matter and find words in the notice which might possibly be open to some misinterpretation. I must say I think it was incumbent on the Government to enter a protest against the meeting in the Park, because, if no such protest had been entered, it would have been said, "Why, here was a meeting publicly announced to take place in the Park; the Government knew it was about to be held, and it was for them to say that they would close the Park or not permit it to be held. They took no step; and therefore it is to be assumed that they had no objection to it." My Lords, I hope one result will arise from these occurrences. I trust, in whatever form it may be done, that Parliament will think it right to consider for the future what is to be the law and how it is to be practically applied in reference to the use and occupation of the Parks. My Lords, I think I do not exaggerate when I say that the Parks, kept up in their present beautiful state, are one of the ornaments, if not the greatest ornament, of London. The expenditure of public money incurred upon them is very large. On the other hand, the people of the metropolis know that they and their families are now allowed as free a permission to walk in and enjoy those Parks as the most exalted member of your Lordships' House. I believe, speaking of the large majority of the public, that that is a privilege which is highly valued by them, and any curtailment of which they would keenly feel and deeply regret. Your Lordships will not suppose that I would say one word against the advantage or the expediency of free discussion in public meetings, or that I conceive that those who attend meetings, such as that lately held in the Park, would themselves be chargeable with any breach of the peace, or any injury to property; but it is a necessary incident of the case that if you have large assemblages of 20,000, 30,000, or 40,000 men, even were they admitted to be the most respectable and best-conducted men in the country, there will inevitably attend those meetings other bodies of men of a different character, and thus you will have elements connected with those assemblages which may seriously injure the Parks and neutralize the effects of the large expenditure incurred in beautifying them. But a still greater evil is this—it is utterly impossible to have large meetings in the Parks, consistently with the free enjoyment of those places by the

Lord Cairns

whole public. You must choose between two things. If you adopt and approve the suggestion of the noble Earl opposite, that the Parks are to be the resort for public and political meetings to be held at the discretion of those who convene them, if so minded, once a week, it is impossible that they can continue to be places of amusement, recreation, and enjoyment for the public at large. I therefore trust, whatever the other results of this discussion may be, that it will lead Parliament to consider—I do not say how or when—what regulations should be made and what power should be given, in order to secure to the public at large its present rights—rights, no doubt, conceded, but still rights of the utmost value—to the free enjoyment of the Parks.

THE EARL OF DUDLEY thought that the Government had exercised a wise discretion in withdrawing their prohibition, and that they might find consolation against the criticisms on the course they had pursued in the fact that no serious riot or disturbance had taken place at the meeting. While he agreed that such rights as existed in the public should not be allowed to fall through, he still hoped that the Bill which had been laid on the table of the other House might be proceeded with, and that the law to which it referred would be distinctly defined, so that any Government, be it what it might, should for the future know clearly what its powers and its remedies were in that matter. Such bodies as they had been speaking of, with their leaders and chairmen, did not hold their meetings without great and long consideration. They were in possession of the law as it stood, and they calculated to the last point how far it would be safe for them to proceed; and he believed that in this country, where law and order was so much respected, if the law were made clear on this point, it would not be broken. It was only in the cause of order and good government that he thought such additional powers as were now proposed to be taken for the Crown should be given. The noble Earl at the head of the Government had said that very great apathy existed on the part of the general public of London in respect to the inconvenience caused by the second Reform demonstration. If any apathy was then displayed, it was entirely done away with on the third occasion; and if no overt step was taken by those who saw the inconvenience and even the danger of such

large demonstrations, it was because they felt that it was the duty of the Government to protect them. He thought the Government should also have the power to prevent demonstrations by large bodies of men, who assemble not for the purpose of influencing the judgment but of striking terror. The whole of the respectability of the metropolis declared that these large demonstrations had become an inconvenience, and it might be a peril so great that they had become intolerable. It was true that with some few exceptions they had passed over without any great damage; but when such large bodies were brought together, a momentary quarrel with a single policeman might lead to a very serious disturbance. He believed that whatever Government might be in power, they would gain by the passing of some moderate measure which would settle this subject.

EARL GRANVILLE said, that it would be in some respects better not to go into the discussion of a Bill not yet before their Lordships. On the other hand, he thought that however indiscreet the Reform League might have been, that only strengthened the case introduced by his noble Friend (Earl Cowper) as to the conduct of the Government in dealing with that body. The question had been so much exhausted in the discussion that if it had not been for the appeal made to the Members of the late Government to state the exact course which they would have taken if they had been in power he should not have risen to address their Lordships. He would fully admit that there was nothing more difficult to arrive at than that degree of firmness and conciliation which was necessary to bring these matters to a successful issue. But what they maintained was, that the conduct of the Government had not been conciliatory to the masses, while it had been utterly deficient in firmness, in maintaining the authority and dignity of the Crown. It would be idle for him, as an individual Member of the late Government, to lay down the exact course which that Government would have taken; but he had not the slightest doubt that it would have been clear, plain, and straightforward—explicit with regard to the House of Commons, and without mystery as regarded the people of this country. What he wanted to know was why the Government, being fully aware five or six weeks ago of the intention of the Reform League to hold their meeting, and being advised that they had not sufficient power to stop it, did not

bring in their Bill at the moment? Of what use was it to bring it in only five or six days before the Monday on which the meeting was to be held, when it was impossible to pass it in time, and when it could only add to the alarm and uncertainty that already existed in the public mind? The noble and learned Lord (Lord Cairns) said that it required his technical eye to perceive that the Proclamation did not bear the interpretation which the public attached to it; but he would ask whether in a matter where so much depended on the feeling of the lower classes, and when especially it was requisite that any notification should be perfectly clear in order to prevent the people from committing themselves, was it fair that it should be written in such technical language that it required a Chancery Judge to perceive that it did not carry all the sense that the public attached to it? He appealed to noble Lords on both sides of the House to say whether the impression produced by the language held by the Government and the Proclamation they had issued was not an impression that the Government were going to interfere with the Hyde Park meeting. That course was, he thought, a great mistake, and it had produced a danger which had been luckily averted. What was perfectly certain was that by allowing the meeting to go on, and by using this vague mystery and alarm the Government gave a greater flavour and prestige to the meeting than if they had admitted that they did not possess the ready means of dealing with the subject. One other remark which he wished to make, and which had been already touched upon, was in regard to the letter of the noble Earl calling out and inviting special constables to enrol themselves.

THE EARL OF DERBY: That letter as to enrolling special constables was not written until after the Government had received frequent and special entreaties to take some steps for the protection of persons and property.

EARL GRANVILLE: But the action of the Government first produced alarm among these persons, and then they applied to the Government to take extraordinary measures. Such a course had this great disadvantage. He knew nothing more powerful in this country, as was shown in 1848, than this power of calling out special constables to aid the regularly organized police. But if the Government called out special constables when there was no need for them there was a danger of their

crying out "Wolf" once too often, and thus diminishing the readiness with which these classes had hitherto responded to the call of the Government. He had sometimes heard it said in that House, with regard to foreign Powers, that you should never menace them unless you were prepared to carry out that menace. He believed that this remark had been applied unfairly towards individual Ministers, but the rule was a golden one. If it were true with respect to foreign nations, it was still more true that a Government should not threaten any portion of their own countrymen unless they were strong in the power to carry out those threats, and strong in the justice of the course of action they adopted.

THE EARL OF CARDIGAN quite agreed in the opinion expressed that these public meetings were a great public nuisance. He went to the Park as a spectator, and listened to one or two of the principal speakers—he believed Mr. Beales—and he never saw a more orderly and quiet collection of people; and after the speaking was over the people moved quietly out of the gates. He thought it unfortunate that an event which had gone off so quietly should have been the subject of so much apprehension.

LORD ROMILLY wished to call the attention of the Government to a point which apparently had not been submitted to their Law Officers. In July, 1850, when he was Attorney General, several persons who were desirous of putting an end to the Exhibition in Hyde Park had prepared an information and intended to apply to the Court of Chancery for an injunction against the construction of the building proposed, on the ground that it would interfere with the public right of enjoyment of that portion of the Park on which the building was about to be erected. His signature, as Attorney General, was essential to the filing of the information, and had that signature been given the building must have been suspended during the time allowed by the Court for answering the affidavits on both sides—a time probably amounting to six or seven weeks before the motion could have been heard and finally disposed of. The result would have been that, even if the application had been refused, the building would have been delayed to such an extent as to render it impossible that the Exhibition should have been opened on the day fixed for that purpose in 1851. He thought it his duty,

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therefore, before giving his signature, to look into the question for the purpose of ascertaining whether the proposed building would interfere with any public rights, and having come to the conclusion that it would not, and also that by allowing the question to be tried he should be enabling the applicants to seriously delay the opening of the Exhibition, even although they had no legal right to interfere, he refused to give his signature. That decision was made the subject of observations by Lord Brougham in this, and by Colonel Sibthorp in the other House. Now, in the course of his investigation, he found that there was strong evidence for the conclusion that there were footpaths, or rights of way, of immemorial usage across various parts of the Park, which no lapse of time or user of closing the gates would override, and which only an Act of Parliament could set aside. The same was the case with other Royal Parks—with Richmond, for instance, which was closed for seventy or eighty years, and in which three footpaths were afterwards established by an action at law. No user of closing the gates could render it legal to prevent people who had the right from using a footpath either in the daytime or at night, and he hoped this point would receive the consideration of the Government.

THE DUKE OF RUTLAND thought that if any blame attached to the Government in this matter it was what had been stated by no less than five noble Lords opposite—namely, that the Government did not clearly state previously to the meeting what their wishes and intentions were. It was clearly proved in the debate that the Government acted eventually in the right and proper manner, and perhaps prevented a conflict in not interfering with its being held. He did not believe there was a Member of their Lordships' or of the other House, or scarcely any Englishmen, who would wish to deprive the people of the right of meeting and of public discussion; but, on the other hand, no one calling himself an Englishman desired to exercise that right in an illegal and unconstitutional manner. It was desirable that the people should know what the law was on the subject; and he felt confident that the artisans themselves, when they knew what the law was, would come to the assistance of the Government, and preserve the Parks for the use and recreation of the people.

EARL COWPER said, that from the discussion that had taken place, he had no

reason to regret having brought the subject forward. He wished it to be fully understood that he deprecated a contest taking place in Hyde Park—he could not imagine any greater calamity—but that he thought the Government should not have allowed the people to believe up to the day of meeting that there would be a contest, when they knew very well that they could not legally enter into anything of the kind. He would now ask leave to withdraw his Motion.

Motion (by Leave of the House) withdrawn.

House adjourned at a quarter past
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 9, 1867.

MINUTES.]—PUBLIC BILLS—*Ordered*—Banns of Matrimony; Brown's Charity*; Tancred's Charities*; Sir John Port's Charity.*

First Reading—Banns of Matrimony [141]; Brown's Charity* [142]; Tancred's Charities* [143]; Sir John Port's Charity* [144].

Second Reading—British Spirits* [135]; Bunnhill Fields Burial Ground* [107].

Committee—Representation of the People [79], Clause 3 [R.P.]; Bridges (Ireland)* [86].

Report—Bridges (Ireland)* [86 & 140].

IRELAND—THE SALTERS' COMPANY.

QUESTION.

MR. MAGUIRE said, he wished to ask the Chief Secretary for Ireland, If his attention has been called to the proceedings of the Salters' Company of London in connection with the management of their property in Magherafelt, county Derry; and if he has received any memorial from the inhabitants of that town, complaining of the conduct of the Company in enormously and repeatedly increasing the rents of the tenants, serving fifty of them with "notices to quit," and violating the Custom of Tenant Right which prevails in that part of the Province of Ulster?

LORD NAAS said, in reply, that no memorial had been received by the Government in reference to the circumstance alluded to by the hon. Gentleman. When, however, the notice of the hon. Gentleman's Question appeared on the Paper, some gentlemen were deputed by the Sal-

ters' Company to wait upon him. These gentlemen presented him with a statement which he felt it his duty to lay before the House, but for which, of course, he was not in any way responsible. As to the enormous and repeated increase of rent, the Salters' Company stated that there had been but one general increase in the rent-roll of the town of Magherafelt—namely, in 1855, when the rental was £307, and the increase then made was £414, making a total of £721, the Poor Law valuation then being £2,942. It was true that in 1865 the rent-roll of the Company had been further augmented by £214; but this small increase was due exclusively to an outlay by the Company of nearly £8,000. It was the intention of the Company, from the 1st of November, 1867, to increase the rent-roll from £935 to about £1,230. As to the eviction of fifty tenants, the Company stated that it seemed to be necessary in practice that notices should be served on tenants in making an alteration in rent. They found, on inquiry, that forty-nine notices had been served, but not necessarily for the purpose of eviction. With reference to the last Question, as to the alleged violation of tenant-right, the Company stated that the exorbitant sums paid for dilapidated buildings by incoming tenants induced them, in 1864, to limit the purchase of tenant-right to ten years' improved value. This resolution was adopted for the benefit of incoming tenants, and for the protection of the Company's interests. The rents received from the town of Magherafelt from 1853 to 1865 (twelve years) amounted to £8,535 8s., while the amount expended by the Company in buildings and improvements in the town during the same period was £16,500; leaving a balance against the Company of £7,964 12s., to which must be added the expenses incurred in building an agent's house and offices?

NAVY—GREENWICH HOSPITAL.

QUESTION.

MR. STONE said, he would beg to ask the First Lord of the Admiralty, Whether his attention has been called to the following facts:—That the original Charter of Greenwich Hospital provided for the maintenance and education of the Children of Seamen, without distinction of sex; that up to the year 1841 a portion of the Lower School was appropriated to Girls; that

according to the opinion of the Greenwich Hospital Commissioners, as expressed at page xxxvii. of their Report in 1860, the reasons which led to the abolition of the Girls' School are not now in force; that no sufficient public or private provision now exists for the maintenance and education of the orphan Daughters of Seamen; and that there is now a portion of Greenwich Hospital vacant which would be perfectly suitable for the purposes of a Girls' School; and, whether it is the intention of Her Majesty's Government to re-establish the Girls' School at Greenwich Hospital?

MR. CORRY said, in reply, that he was aware that the special reasons which had led to the abolition of the girls' school no longer existed; but there were still various objections which might be urged against its re-establishment. The question had received the careful attention of the Admiralty, but was not one that could be hastily determined. He was not at present in a position to give an affirmative answer to the last part of the hon. Gentleman's Question.

ARMY RESERVE.—QUESTION.

COLONEL GILPIN said, he would beg to ask the Secretary of State for War, Whether it is the intention of Her Majesty's Government to proceed with the plan for raising an Army of Reserve, proposed by the right hon. Member for Huntingdon on moving the Army Estimates this Session; and, if so, when it is likely to be proceeded with?

SIR JOHN PAKINGTON said, that Her Majesty's Government did intend to proceed with the plan, and that he had given notice of his intention for the following evening to move for a Vote for the purpose of carrying it into effect.

OATHS AND DECLARATIONS.

QUESTION.

MR. HADFIELD said, he would beg to ask the Secretary of State for the Home Department, When the Report of the Royal Commissioners on Oaths and Declarations will be ready and laid before the House?

MR. WALPOLE said, in reply, that the Commissioners had been considering their Report, and the next meeting to be held for that purpose would take place on the 17th instant. He was informed that they expected that their final Report would

Mr. Stone

be presented to the Queen and laid before Parliament in the course of June.

COLONIAL BISHOPS.—QUESTION.

MR. CARDWELL said, he wished to ask the Under Secretary of State for the Colonies, Whether it is the intention of Her Majesty's Government to introduce in the present Session any measure on the subject of Colonial Bishops, or of clergymen ordained by Colonial Bishops?

MR. ADDERLEY said, it was the intention of the Government to introduce immediately a Bill on the subject of Colonial Bishops, so far as to remove any doubts which might have arisen by the recent decision of the Judicial Committee relating to any property vested in them. As to any doubts raised by this decision as to the status of the colonial clergy and the validity of the acts of colonial Bishops, it was thought better to postpone legislation, because, at present, there was great uncertainty as to the limits or the necessity of legislation, and also because the Archbishop of Canterbury had summoned a conference of colonial Bishops which would assemble in September next.

PENSION TO MR. YOUNG, AGRICULTURAL AND HISTORICAL POET.

QUESTION.

MR. O'REILLY said, he would beg to ask Mr. Chancellor of the Exchequer, in reference to the Debate on the 22nd of March, with regard to the pension granted to the poet Young, Whether he has since ascertained that the statements concerning the political character of Mr. Young's writings are absolutely true; and whether Lord Derby has, according to his promise, reviewed the matter in order to do exactly what is proper; and, if so, what he has decided on, and whether he has decided to imitate the precedents which, as the Chancellor of the Exchequer then stated, he might follow?

THE CHANCELLOR OF THE EXCHEQUER: I am sorry, Sir, to say that it is not in my power to make the definite communication which the hon. and gallant Gentleman wishes for, on the subject on which he has addressed this inquiry; but I would observe to him that the conditions upon which he expects the judgment of the Government to be formed are of a very severe character; he wishes that we should ascertain that the statements concerning the political character of Mr.

Young's writings are absolutely true. Now, that cannot well be done without a full and complete examination of the works themselves. And after the responsibility which the Government have incurred in this matter, from what we are perfectly willing to admit was some inadvertence on the part of Lord Derby and myself, it is a duty which we cannot conscientiously intrust to any third person. I hope therefore, in justice to the Government, and also to Mr. Young, the hon. and gallant Member will allow the investigation still to be further deferred.

MR. BRIGHT said, he wished to ask the hon. and gallant Member for Longford to be a little generous with that unfortunate Irish poet, and not ask the Government to interfere with so small a matter as £40 a year under the circumstances. He thought the persecution that Mr. Young had suffered had at any rate been sufficient, and that they might well pass to more serious subjects.

MR. O'REILLY said, that he had only brought the subject forward on public grounds, and he would beg to remind his hon. Friend that he had remarked on the former occasion that if the individual in question should suffer he would himself be ready to contribute to make amends to him. After the explanation that had been given on the part of the Government that the granting the pension was an act of inadvertence, he had not the least wish to press the personal Question, and could only say that he should make no further inquiry.

MEETINGS IN HYDE PARK.

QUESTION.

MR. NEATE said, he would beg to ask the Secretary of State for the Home Department, Who were the persons upon whom notice was served that they would be proceeded against as trespassers or otherwise if they held a meeting in Hyde Park; what will be the nature of such proceedings; and whether instructions have been given to the Law Officers to institute, and that without delay, such proceedings against the persons served with such notices? He also wished to ask, whether it is intended to include Trafalgar Square among the places where the meeting should not be held?

MR. WALPOLE: In answering this Question, Sir, I must correct an erroneous

impression under which the hon. Gentleman seems to be labouring. The notice which was served was that signed and issued by myself. The persons upon whom it was served on the 1st of May were —Mr. Beales, Colonel Dickson, Messrs. Bradlaugh, Mantle, Merriman, Howell, and on the 6th of May the notice was served on Messrs. Lucraft, Odger, Cremer, Connolly, Perfitt, Langley, Cooper, Osborn, Owen, and Finter. In answer to the second portion of his Question, I have to state that instructions have been given to the Law Officers of the Crown to consider the matter, and the whole subject is under their consideration at this moment. It would therefore ill become me to say more until the Law Officers have determined what the exact nature of the proceedings on the part of the Crown shall be.

MR. NEATE said, he would beg to ask, whether the right hon. Gentleman proposes to go on with his Bill before he has ascertained the present state of the law upon the subject?

MR. WALPOLE: The Bill now before the House does not depend upon the Report of the Law Officers; as to whether it will be proceeded with to-night depends upon the course of business.

EMPLOYMENT OF WOMEN AND CHILDREN IN AGRICULTURE.—QUESTION.

MR. DENT said, he would beg to ask the Secretary of State for the Home Department, Whether he has issued the promised instructions for further inquiry into the employment of women and children in agriculture; and, whether he will inform the House to what extent that inquiry is to proceed?

MR. WALPOLE said, in reply, that the Commission under which the former inquiry was conducted expired with the last Report, and therefore it was not in his power to give further instructions to that Commission; but it would be necessary to issue a new Commission, and the Commissioners would be the same two gentlemen who reported upon the previous matter. The words of the Commission would be recommended to Her Majesty to-morrow, and would be a satisfactory answer to the other part of the hon. Gentleman's Question. The direction would be to inquire into the Report upon the employment of children, young persons, and women in agriculture; for the pur-

pose of ascertaining to what extent and with what modifications the principles of the Factory Acts could be adopted in the regulation of such employment, and especially with a view to the better education of such children.

THE LUXEMBOURG QUESTION—THE CONFERENCE.—QUESTION.

MR. LABOUCHERE said, he would beg to ask the Secretary of State for Foreign Affairs, Whether, in the event of Her Majesty's Government considering it advisable to join in any European guarantee with regard to the neutrality or the future political position of the Grand Duchy of Luxembourg, before the Country is committed to any such guarantee the nature of the obligations in which it may involve us will be explained, and this House be given an opportunity to express an opinion upon the expediency of undertaking them?

LORD STANLEY: Sir, the best answer I can give to the Question of the hon. Member is that the Conference now assembled in London met this morning for a second sitting, and although I do not think it consistent with my duty to state in detail what took place between the representatives of the various Powers, I may say that substantially an arrangement has been come to, and that little except formal business remains to be transacted. Ten days ago, in answer to a Question from an hon. Friend behind me, I ventured to express a hope that this Luxembourg question, which was then disturbing Europe, was in a fair way of being brought to an amicable termination, and I believe I am not too sanguine when I say that the hope I then expressed is practically realized. I think I may congratulate the House and the country that the good sense and moderation of the parties primarily interested in this dispute (for otherwise no exertions of the neutral Powers could have been successful), have resulted in averting the unspeakable calamity of a European war, which a few days ago appeared to be imminent. As to the part which Her Majesty's Government has taken in these arrangements, I may say that we have acted in accordance with the constitutional usage of the country—upon our responsibility as Advisers of the Crown. We were bound to accept that responsibility whenever the necessities of the case required that

we should do so, and from the vindication of our acts in that respect, if vindication be necessary, neither I nor my Colleagues desire to shrink. I never wish to make a mystery of matters with which I am officially connected, or keep information from the knowledge of the House unnecessarily; but the present case was urgent; every week we were told, and I believe told truly, the chances of war became more imminent. Under these circumstances the postponement of negotiations might have led to most dangerous complications, and I felt I could not take upon myself singly to postpone negotiations for an indefinite period, delaying thereby a settlement desired by all parties alike, merely in order that time and opportunity might be given for a discussion in this House. Now, with regard to the question of guarantee. I am not surprised, and certainly am not sorry, that there should be a strong feeling of susceptibility in this House, for it is a feeling that I fully share myself, with respect to the subject of guarantees. But, as to this particular question, I take it for granted that the House is aware that England, in common with the rest of the signatories of the Treaty of 1839, actually guaranteed the Grand Duchy of Luxembourg to the King of Holland in the most full, absolute, and unqualified manner. That is an engagement which we at the present day did not make, and all that we have done is simply to adapt that engagement to the changed circumstances of the times, and to the position of the Grand Duchy consequent upon the dissolution of the Germanic Confederation. In doing this we have not incurred any fresh responsibility; we have rather limited and defined it; indeed, I conceive that, so far from increasing, we have narrowed the responsibility which formerly rested upon this country in connection with Luxembourg, whatever the amount of that responsibility may have been. This, however, is a matter which I shall be prepared to explain to the House at some future time if any discussion upon it is desired; but it is obviously a matter which I cannot enter into within the limits of an answer to a Question. I can only express a hope that negotiations will in a few days have so far advanced, that I shall be able to lay upon the table of the House all Papers relating to the subject.

Mr. Walpole

REPRESENTATION OF THE PEOPLE BILL—COMPOUND-HOUSEHOLDERS.

QUESTION.

MR. GLADSTONE said, he would beg to ask Mr. Chancellor of the Exchequer, under the Law as it will stand if the present proposals of the Government shall be adopted, Will the compound-householder at and above £10 be enabled to come and continue upon the register without ceasing to be a compound-householder; in the event of his paying, in pursuance of his claim, any "rate due in respect of the premises," will he be entitled to deduct the sum so paid from rent payable by him to his landlord; what is the meaning of the words (in No. 4 of the proposed Amendment to Clause 34) "rate due in respect of the premises;" and, in a case where the owner has already paid the composition rate, will the occupier claiming to be enfranchised be liable to pay the difference between the composition rate and the full rate; and, whether by the terms of the third Clause, requiring that the person to be registered shall have been an inhabitant occupier for twelve months, it is intended to require that he shall have resided during that period?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it may possibly arise from my want of powers of apprehension, but there is to my mind, notwithstanding I have taken advice on the subject, some obscurity of meaning in the first Question of the right hon. Gentleman. But if it should be his intention to ask whether the compound-householder is by our Bill deprived of any privilege which he now possesses under the 14 & 15 *Vict.* c. 14, I answer that he certainly does not; and of course the moment he becomes personally rated he ceases to be a compound-householder. As to whether the compound-householder will be entitled to deduct the sum he has paid in the shape of rates from the rent he pays to his landlord, my answer is that he certainly will be. The right hon. Gentleman also asks what is the meaning of the words "rate due in respect of the premises," and in a case where the owner has already paid the composition rate will the occupier, claiming to be enfranchised, be liable to pay the difference between the composition rate and the full rate? The words "rate due in respect of the premises" mean the rate due from the landlord at the time of the tenant making the claim. And with

regard to the inquiry whether the occupier claiming to be enfranchised will be liable to pay the difference between the composition rate and the full rate, under this Bill, as we intend, and have provided by a clause, he will not be called on to pay it. With regard to the last inquiry, whether by the terms of the 3rd clause, requiring that the person to be registered shall have been an inhabitant occupier for twelve months, it is intended to require that he shall have resided during that period, I have to say that it is intended that he shall have so resided. We hold that in this Bill the words "inhabitant occupier and resident" are identical.

MR. W. E. FORSTER said, he would beg to ask Mr. Chancellor of the Exchequer, whether it is the intention of the Government, by omitting all the words after "rated" in the first line of Clause 34 of the Representation of the People Bill, to prevent the application of Clause 1 of the Compound Householders Act (14 & 15 *Vict.* c. 14) to Compound Householders under £10; and, if so, whether it is intended to deprive Compound Householders under £10 of the right which the above-mentioned Clause gives to Compound Householders at and above £10 of being registered and entitled to vote upon claiming to be rated, instead of being obliged, by Clause 30 of the Reform Act (2 *Will.* IV. c. 45), to be rated for a year before becoming a voter?

THE CHANCELLOR OF THE EXCHEQUER: By the Bill Clause 1 of the Compound-householders Act is applied to both classes of compound-householders, and therefore it is unnecessary for me to answer the rest of the hon. Gentleman's inquiry, which is founded upon a contingency that cannot arise.

MR. W. E. FORSTER: By what clause of the Bill are compound-householders under £10 brought under the operation of Clause 1 of the former Act?

THE CHANCELLOR OF THE EXCHEQUER: By a general clause in the Bill the rights existing under the 1st and 2nd clauses of the Compound Householders Act are reserved.

SEA FISHERIES.—QUESTION.

MR. BLAKE said, he wished to ask the Vice President of the Board of Trade, When he will lay upon the table of the House the new Convention relative to the Sea Fisheries between France and England?

MR. STEPHEN CAVE, in reply, said, this was really a Foreign Office Question. The Convention would be laid on the table by the Secretary of State for Foreign Affairs; but to save the hon. Member trouble, he had obtained permission to answer that the Convention was not yet signed, though it was hoped that this might be shortly done, as there no longer existed a difference of opinion on any of the details between the two Governments.

ARMY—CAVALRY HALF-PAY.

QUESTION.

MAJOR DICKSON said, he would beg to ask the Secretary of State for War, Why are the Captains of a Cavalry Regiment on its arrival in this Country after service in India who may be supernumeraries placed on half-pay, while the Captains of Infantry Regiments in exactly the same position are retained on full pay?

SIR JOHN PAKINGTON said, the Question was not so plain as it might at first sight appear, and the anomaly was more apparent than real. This arose from the fact that cavalry and infantry regiments did not stand upon the same footing. Cavalry regiments going abroad were upon the same establishment as those at home. There were now three cavalry regiments to return from India, and in each case there was only one extra captain; so that there would be three supernumerary captains to be placed on half-pay. Infantry regiments, on the contrary, under an arrangement made some years ago, were reduced on coming home to the extent of two companies; but those going out received a proportionate increase. In consequence of this arrangement—the policy of which he would not now discuss—two supernumerary captains remained upon full pay, and without additional expense to the public were gradually absorbed into other regiments as the requirements of the service demanded.

IRELAND—DUBLIN METROPOLITAN POLICE.—QUESTION.

MR. KNATCHBULL-HUGESSEN said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of the Government to take any action upon the Report of the Commissioners appointed by the Treasury last year to inquire into the condition of the Dublin Metropolitan Police?

LOBD NAAS: Sir, it is the intention of
Mr. Blake

the Government to act on that Report, and I hope to introduce a measure on the subject next week.

INDIA—FAMINE IN ORISSA.

QUESTION.

MR. SMOLLETT said, he would beg to ask the Secretary of State for India, Whether he intends at once to lay upon the table of the House the Correspondence that has passed, including Telegraphic Messages, upon the subject of the Orissa Famine with the Indian Governments, agreeably with the assurance given by the Under Secretary of State previous to the Easter recess?

SIR STAFFORD NORTHCOTE said, in reply, that the Papers bearing on the Orissa Famine were extremely voluminous, and it was doubtful whether the mass would not be too large for the convenience of Members. But the Commissioners' Report was coming home by the next mail, and would be received in two or three weeks. The most convenient course, therefore, would probably be to lay that Report upon the table when it arrived, together with such portions of the Correspondence as were material, and then, if more were desired, it could, of course, be presented.

ARMY—SUPPLEMENTARY ESTIMATE.

QUESTION.

SIR CHARLES RUSSELL said, he would beg to ask the Secretary of State for War, Whether he will state to the House when he proposes to proceed with the "Supplementary Estimate" for granting additional pay to the Army and the Militia?

SIR JOHN PAKINGTON said, his hon. and gallant Friend was not in the House when he answered a similar question a short time ago. He hoped to introduce the Supplementary Estimate to-morrow evening.

THE MARQUESS OF HARTINGTON: Sir, in consequence of the intimation which has just been given, I wish to ask a Question which stands in my name, but which now I shall not have the opportunity of putting on going into Committee of Supply. I wish to ask whether it is intended, before proceeding with the Army Estimates, to bring in Bills for effecting an alteration in the terms of enlistment, and with relation to the Militia and Army of Reserve; and whether the right hon. Baronet will lay on

the table an Estimate of the proposed charge which these changes will entail in the next and succeeding years?

SIR JOHN PAKINGTON: It is in contemplation to introduce three Bills on the subjects to which the Question of the noble Marquess refers. These Bills are prepared, and it was my intention a few days ago to have moved for leave to bring them in this evening. But on conferring with others more conversant with proceedings of this nature than myself, I was advised that the better course would be—and I hope the noble Marquess will see no objection to it—first to obtain the sanction of the House to the proposal, and then to introduce Bills framed with the object of giving effect to that decision. I could explain to the noble Marquess privately, though hardly within the limits of an answer, the reasons for the course which we have taken. There are reasons why we think it desirable that the proposals brought forward by my right hon. and gallant Friend the Member for Huntingdon (General Peel) should become known to the militia and the army. In proposing the Estimate I shall, of course, be prepared to offer the explanations for which the noble Marquess has asked.

METROPOLIS—UNIVERSITY OF LONDON.—QUESTION.

MR. GOLDSMID said, he wished to ask the First Commissioner of Works, Whether he will state to the House the course he intends to pursue with regard to the New Building for the University of London; and whether he will take the opinion of the House upon the design he proposes to adopt?

LORD JOHN MANNERS said, he could only repeat that he had done what he promised to do before the adjournment for the Easter holidays—namely, to place both the alternative designs in the House of Commons for the inspection of hon. Members. They had been placed in the Library, and any hon. Member could see them there at present. With regard to the second branch of the Question, he apprehended that if the design selected were not approved, it would be open to any hon. Member to move its rejection and the substitution of another.

MR. LAYARD said, he would beg to ask, whether the noble Lord would be willing to refer the Question to a Select Committee?

LORD JOHN MANNERS said, that in this matter time was of great importance. He therefore thought it better to follow the course which had been taken with regard to the new Foreign Office.

PUBLIC MEETINGS IN THE PARKS—OPINION OF THE LAW OFFICERS.

QUESTION.

MR. LOWE: Sir, I beg to ask the Secretary of State for the Home Department the Question which, at his request, I postponed on a former occasion. Had the Government before them, in their present form or in substance, the opinions of their Law Officers, signed by Sir Hugh Cairns and the Solicitor General at the time of the disturbances in Hyde Park last year?

MR. WALPOLE: The meeting was held on the 23rd of July. After that the opinion of the Law Officers then in office—Lord Cairns and Sir William Bovill—was taken on the only point not included in the case submitted to the Law Officers in 1855—namely, a question as to the power to disperse such a meeting by force. The opinion on this point was given subsequent to the day of the disturbance, and delivered to Her Majesty's Ministers on the 28th of July.

THE SCOTCH REFORM BILL.

QUESTION.

MR. BAXTER said, he would beg to ask Mr. Chancellor of the Exchequer, When the Reform Bill for Scotland will be brought in?

THE CHANCELLOR OF THE EXCHEQUER: Much depends on what the course of this House may be. I cannot therefore come to a precise understanding with the hon. Gentleman till I see what progress will be made in the Committee which we are now about going into, and what will take place; but if we live in serene times, I will introduce the Reform Bill for Scotland on Monday.

PARLIAMENTARY REFORM—REPRESENTATION OF THE PEOPLE BILL.—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 6. *]

Bill considered in Committee.

(In the Committee.)

Clause 3 (Occupation Franchise for Voters in Boroughs).

[Committee—Clause 3.

* Amendment again proposed, in page 2, line 8, after the word "rated," to insert the words "as an ordinary occupier."—*(Mr. Chancellor of the Exchequer.)*

Question proposed, "That those words be there inserted."

MR. HIBBERT said, he regretted that he was compelled to object to the words which the Chancellor of the Exchequer proposed to insert in the clause. He objected not only to the words proposed, but also to similar words in paragraph 4. He objected to them as being entirely in antagonism with the Amendment of which he had given notice; and he thought this was the best opportunity of raising a discussion on that Amendment. In objecting to the words proposed by the Chancellor of the Exchequer, he had no hostile feeling towards the Government or their Bill. He had no desire to injure the Bill. His earnest wish was to improve it, so as to make it acceptable to the country. He hoped his Amendment would be dealt with in that spirit by hon. Gentlemen on both sides of the House. The question of the Amendment he had proposed, though it might seem a small one, was a question of great importance. He quite allowed that the amended proposal of the Chancellor of the Exchequer was a decided improvement on his former proposal. The proposal which the right hon. Gentleman now made to the House had, to a large extent, taken away the arguments he should have used in order to show how this Bill would operate against compound-householders. He thought it only fair to say that the right hon. Gentleman had tried as far as possible to meet the wishes of the Opposition side of the House. But the course which the right hon. Gentleman had adopted would not be satisfactory to the country, and would not do away with the inconvenience to which the compound-householder would be subjected. The fine which would have fallen on the compound-householder was removed from that person in a great degree, and put on the shoulders of another person—the compound-landlord. But he should prove that it would practically come back on the compound-householder. The question was a large one because it affected so large a number of compound-householders. There were in the country something like 500,000 compound-occupiers, which number was twofold that of the ordinary occupiers who would be admitted by the Bill. The total number of the compound-

occupiers was 476,593. That was the number of persons who were seriously affected by this Bill. There were fifty-seven boroughs in which the Small Tenements Act was in force in this country, and that had operated with respect to 139,327 occupiers under £10. There were ninety-nine boroughs in which the Act was in partial operation, and in which there were also local Acts, and they contained 249,472 compound-occupiers below £10. There were fifteen boroughs in which local rating Acts were in force, and not the Small Tenements Act. They contained 87,442 compound-occupiers under £10, making a total of 476,593 compound-occupiers, who would be operated on by the Bill. There were twenty-nine boroughs in which there was no Small Tenements Act, and in which there were no local Acts for compounding, and the occupiers in those towns who would be admitted by the Bill were 245,910, or not more than half the number he mentioned as being included among the £10 compound-householders. Among the twenty-nine was the town which he represented. He was happy to think that the people of that town had not arrived at that degree of civilization spoken of by the Chancellor of the Exchequer. They had no compounding Act. They bore their own burdens, and were rated to the poor. But though he might be satisfied with the clause as regarded his own town he was not satisfied with the unfair position in which it placed the 476,593 compound-householders. He should be very glad if the whole of those compounding Acts were swept away. Though they were economically advantageous to the country—as causing the rates to be collected with little trouble—they were not advantageous in a political respect. By holding as compound-householders, occupiers lost their proper position. They did not vote for vestrymen, nor elect Poor Law guardians, nor perform other important duties which devolved upon ratepayers. They were, however, allowed to vote at municipal elections. While politically the compound-householder was not in as good a position as the non-compounder, as a payer of rates through his landlord the compounder was in as good a position as the non-compounder. How came the Small Tenements Act to be introduced? In the fifty-ninth year of the reign of George III., there having been a great difficulty in obtaining rates for small tenements, an Act of Parliament was passed allowing the owners

to be assessed, it being provided that they should pay not less than half the full rates. That Act was introduced into a considerable number of towns. At a later period the Small Tenements Act was passed, and it had been applied much more extensively than the previous statute. The Small Tenements Act only affected tenements below the rateable value of £6, and it was introduced into a parish by the vestry. It should, however, be remembered that the vestries introduced the Small Tenements Act on the principle of plurality of votes, as laid down by Sturges Bourne's Act, and therefore the occupiers were not in a position to resist its application. Under the Small Tenements Act every owner was rated on property under £6 rateable value at three-fourths of the rateable value. If the landlord undertook to pay for the tenements, whether empty or full, he must, on notice being given to the overseer, be rated by him the following year at one-half the rateable value. The effect, then, of the Small Tenements Act being introduced into a parish was that the owners of tenements below £6 rateable value were rated to the poor, and that the compound-occupiers were not known. He wished to prove that the compound occupiers did pay the full amount of rate, and that the amount of rate collected from the compounding landlord was equal in amount to what would have been collected from the same number of houses if the Act had not been in operation. The occupier strictly ought not to have been called a compound-occupier, but rather the tenant of a compounding-landlord, for it was the landlord who compounded. He presumed, after the admission made by the Chancellor of the Exchequer, that he might take it for granted that the compound-occupier did pay the full rate in his rent. Then, he would take by way of example twenty houses under the compounding system and a like number under the non-compounding system. Supposing the full rate on each non-compounding house to be 20s., the twenty houses would be liable to pay £20. But the landlord of the compounding houses would be entitled to a deduction of one-fourth, and consequently he would pay only £15 for his twenty houses. In the case of the twenty non-compounding houses, the overseer had to run the risk of all the tenants being in a position to pay the rates, and in the town which he represented it was not every occupier who could pay his rates. On the whole, he thought

it might fairly be said that the amount obtained by the overseers from the twenty non-compounding houses would not exceed £15. He believed it was a perfectly fair argument to use that the difficulty of obtaining rates from tenants who were continually changing their residence, or who were obliged to have their rates excused, was such that the overseer would not receive a larger amount of rate from the non-compounding than from the compounding houses. Of course, the landlord having paid £15 to the overseer had received £20 from his tenants if it were allowed that the full rate was paid in the rent. But he took the additional £5 for the risk and trouble he ran in obtaining the money from good and bad tenants alike. Indeed, there could be no doubt that the allowance was made to the landlord on this ground. The Government proposed to allow the tenants to pay the full rate, or, in other words, instead of the landlord paying the 15s. for his tenants, the tenant was to pay 20s. to the overseer and deduct the full rate from the rent paid to the landlord. How would that act? No doubt it would be the better class of tenants who would be likely to apply to be put on the rate book. Indeed, that was in accordance with the principle supported by hon. Gentlemen on the other side of the House. Suppose that one-half of the occupiers of the compounding houses applied to be put on the rate book. These ten tenants would immediately undertake to pay the full rate. Instead of the landlord paying 15s. for each of those tenants, they would themselves pay £1 each, and the total sum paid by them to the overseer would be £10. There would then remain ten houses which the landlord would be liable to compound for, and the amount of rate he would have to pay for them would be £7 10s. Previously to this the landlord had to pay £15. Now, taking into account the £10 which he has to repay to the tenants who claim to be rated, he has to pay rates amounting to £17 10s. The landlord would thus be mulcted in the sum of £2 10s. In reply to that it might be said that as the landlord had ceased to collect the money from a certain number of his tenants he ought no longer to receive any deduction on behalf of those persons. But the landlord made the composition on the basis of taking the good and the bad tenants alike. If ten of the good tenants were taken out of the number the landlord would be paying the composition rate for ten bad

tenants, and would probably never get recouped at all. The landlord, not being recouped for the additional sum of money which he would have to pay, would be placed in a position very uncomfortable and inconvenient for him. Having been accustomed for a long series of years to receive the deduction, he would not easily or lightly submit to the change. What, then, would be the result? The landlord, feeling that he was called upon to pay money which he had not been accustomed to pay, would say to his tenant, "You came to me on certain terms. I have been quite willing to pay the composition rate on these terms, but if you apply for a vote and make it necessary for me to pay this additional money you must leave the house." Or else the landlord would say to the tenant, "You have applied for a vote and have put me to this additional expense, and therefore I shall require you to pay me additional rent." In most instances one of these two results would be brought about. He did not say that that would take place in every instance; but they knew how grinding landlords were, and that, rather than lose their money, they would endeavour to recoup themselves some way or other. Therefore, the present proposal, though it was much better than the original proposal, would not work in a satisfactory manner. His wish was to make the Bill work in a manner which would give satisfaction to the country. In bestowing the franchise upon a large class it ought to be an object to do it in a manner which could not create a feeling of injustice among them. In Merthyr Tydvil there were 12,564 occupiers under £10 who compounded under the Small Tenements Act, and 399 non-compounders who would be admitted as ordinary occupiers under this Bill. In Bradford there were 13,094 compounders under local Acts and the Small Tenements Act, and 3,532 ordinary occupiers. In Hull there were 12,026 compounders, and 64 ordinary occupiers. In Leeds there were 25,613 compounders, and 9,365 ordinary occupiers. In Manchester there were 33,013 compounders and 2,862 ordinary occupiers. In Birmingham there was the largest number of compounders, 36,177, and there were 2,384 ordinary occupiers. In Birmingham compounding for rates was carried to a larger extent than it was, perhaps, in any other town in the country. If in these towns the tenants were obliged to deduct the full

Mr. Hibbert

amount of the rate from the sum paid to the landlords, the landlords would feel the injustice keenly. To meet the difficulties of this question the Compound Householders Act was introduced and passed by Sir William Clay. When he passed it the number of compound-householders was smaller than the number which would be introduced by the Bill. But it was done with the idea of doing away with the difficulties and obstructions that existed with respect to compounders. It would have been wiser in the right hon. Gentleman the Chancellor of the Exchequer to have followed the existing law than to have proposed to repeal a portion of that Act. It would have been better to have let the new compounders come in on the same terms as the old ones. Not to do so would create a feeling of injustice. Let the right hon. Gentleman abolish the Local Tenements Act, and the other Compounding Acts, or put all compounders on the same footing. The feeling which had prompted past legislation seemed to favour such a proposal. In the Small Tenements Act there was a clause which allowed ratepayers under the Municipal Corporations Act to obtain the franchise though not rated to the poor. A Committee of the House of Lords which in 1859 considered this question objected very much to that clause. In their Report they said—

"The evils produced by the operation of the clause which enfranchises occupiers whose rates are paid by the landlord are so serious that the Committee recommend that it be repealed, and a provision substituted enabling the occupier of a tenement rated at less than £6 to claim to be rated on the same terms as the landlord, and being so rated, and having paid the rates, to be entitled to have his name placed on the burgess roll."

This was exactly what he wished to effect by the application of Sir William Clay's Act. If it was good for the municipal franchise, it could not be bad for the Parliamentary franchise. Sir William Clay's Act had been in operation something like fifteen years, and it was calculated that 25,000 persons had been induced to register by it. In Birmingham 3,017 compound-householders under £10 were registered under the Act. In the metropolis, 17,492. In Manchester, 3,000, and so on in other towns. The fact that 25,000 out of 94,000 compound-householders had got on the register was not a matter to be afraid of. Therefore if they did not wish to have a large number of persons

avail themselves of the right of voting, he thought they should continue the operation of Clay's Act. It was the only plan for satisfactorily carrying out the present Bill. He quite agreed with the principle of the Government Bill to the extent that every compound-occupier should be placed on the rate book, and that before he should have the privilege of voting he should claim to be rated. The great principle of the Bill was that no man should become a voter unless he was personally rated to the poor. Under Sir William Clay's Act no one could become a voter till he had claimed to be rated and had been rated. The only distinction between the Bill and Sir William Clay's Act was that in one case there was the trouble and annoyance that would be given to the overseers, and in the other everything went on in a smooth and simple manner, and did not injure the ratepayer or the landlord, or give trouble to the overseers. The Government Bill, however, created serious inconveniences and annoyances to landlords, tenants, and parishes, which would cause great dissatisfaction in the country. He asked hon. Gentlemen opposite to meet the question in a generous and liberal spirit. He need not appeal to their patriotism, because they had shown that by what they had done this year, in giving up, to a great extent, their long-cherished convictions. They did what they could to settle this question. He asked them to give a generous and kind treatment to the question. He believed they would not find themselves at all injured by accepting the Amendment he had proposed. On the contrary, it would strengthen their Bill. Knowing how they wished to adhere to the Constitution of the country, he would urge that if the Bill was improved as he had suggested, it would last much longer. He proposed the Amendment in the earnest wish to make the Bill satisfactory to the country.

MR. BRETT said, that he would ask the indulgence of the House while he endeavoured to argue this complicated and difficult question. The question was not merely one of words between the two proposals then before the Committee—namely, whether those used, or the words which it was proposed to introduce into the clause, were best, but which was the better of two plans or methods of policy for dealing with the question of the compound-householders. The question must be enlarged to that extent; but, on the other

hand, the discussion should also be restricted. It was not open to them to re-discuss or re-try the principle of the Bill, which was determined by the Committee on a former evening—namely, the necessity of the personal payment of rates. If therefore it was granted that it was not competent for them, either directly or indirectly, to re-discuss and re-open that question, he thought he should be able to show first that the plan of the hon. Member was contrary to the principle of the Bill, and next that the hon. Member had not given a sufficient reason why they should deal with the case of the compound-householders as an exceptional one. If he proved both these propositions, it seemed to him to follow that neither the Government nor that side of the House could accept the Amendment, and that the carrying of it must be fatal to the Bill. In order to determine the first proposition, it was necessary to consider the real meaning of the words in the Bill—"personal payment of rates." They were not called on to consider or defend the parochial interests. It would make no difference, so far as those words were concerned, whether the parish was paid every farthing of every rate imposed during the year or not. The question was, not whether the parish received the rate, but whether the occupier, the proposed voter, paid it? The House had determined that the occupier who desired a vote should be made liable to the payment of the rate, and should assume the responsibility of meeting that liability. This was the test of fitness which had been imposed, and which was not now open to dispute. The House did not mean that the occupier was to pay the rate with his own hands, but that he should be made liable to the payment of the rate, and that the rate should be paid by means substantially found or procured by him. If the hon. Gentleman (Mr. Hibbert) meant that a payment to the landlord in rent was the payment of the rate, his plan was wholly inconsistent with this principle of the Bill. If he meant that there should be a personal provision by the occupier for the compounded rate his method would still be contrary to the principle of the Bill, because it did not require payment of the full rate, but only a part of that rate. Unless, therefore, the hon. Gentleman showed that this case of the compound-householder ought to

be treated as an exceptional case they ought not to accept his plan. Was it an exceptional case? In order to solve this question it would be necessary to inquire what compound-householders were. They were of two kinds—those who occupied houses above and those who occupied houses below £6. The first class was the offspring of the local Acts copied from Sturges Bourne's Act of 1819. That Act had no application to Parliamentary voters. At the time that Act passed there were some boroughs in which the right to vote depended on the being rated. It was then thought that such legislation as was enacted in that Act should not be applied to such boroughs, and a clause was therefore introduced providing against its application in boroughs in which the right to vote depended on being rated. The result was that upon the passing of the Reform Act of 1832 Sturges Bourne's Act, by which householders rated at between £6 and £20 were allowed to compound, was prevented from applying to any Parliamentary borough. In many boroughs, however, there were local Acts, framed upon the model of Sturges Bourne's Act, in which that provision was omitted; and in such boroughs there were thus a certain number of householders occupying houses above £10 whose rates were compounded, and whose right to vote was thereby affected. When the rate was compounded for, the payment of the rates was enforced against the landlord; but it was a smaller sum than the rate that would have been demanded of the occupier had he, and not the landlord, been rated. In 1850 the Small Tenements Act was passed, and by that Act two different allowances were made to landlords, under two different sets of circumstances. Under that Act, in the case of all houses rated at less than £6, the landlord was to be compulsorily rated, instead of the occupier, if the parish chose to apply the Act, and in that case he was to receive an allowance of 25 per cent. But it was further provided that if the landlord was the owner of several tenements, and desired to run the same risk with regard to all, then the parish was required to make another arrangement with him, under which he was to pay another sum by way of composition, being not less than half the amount or the full rate. The difference between the two cases was that in the first it was an arrangement in which the landlord had no choice; in the second it was an optional composition. That

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being the legislation upon the subject there were two facts which must also be considered. The first was that these Acts had not been applied in all parishes. The second was that landlords, wherever this composition had taken place, had added to the rent, not the compounded rate, but the whole amount of the rate which would have been payable by the tenant if he had been the person rated and if no composition had been entered into. Such being the law and the facts, the Committee had to consider what would be the effect of the two plans—that of the Government and that suggested by the hon. Gentleman. Under the Government plan, if the occupier claimed to exercise the franchise he must submit to the test of fitness which the House had agreed was the proper test. He must first of all submit to be rated, and then undertake the responsibility and the burden of finding the means to pay the full rate. Unless there had been something more in the Bill he would have to pay the full rate to the parish, having by the hypothesis paid the full rate to the landlord in the shape of rent. But the Government plan relieved him from his burden, by saying that he should deduct the rates he had paid to the parish from his next payment of rent to his landlord. How, then, could it be said that there was a fine imposed on the tenant, or that there was any injustice done to him? According to an able writer in *The Times* of to-day, whose ability indeed was greater than either his accuracy or his candour, this was to be a payment by the tenant to the parish and a payment by him to the landlord, and a re-payment of the same sum by the landlord to him. But the occupier would not pay twice; he would only pay once. Supposing the rent to be £7, he would pay £6 to the landlord for rent and £1 to the parish for rates; there was no second payment by him, and no re-payment to him by anybody. Under these circumstances was it not difficult to say that any fine was imposed upon the occupier, or any injustice done to him? In point of fact, the hon. Gentleman had not contended to-night that there was any such fine or injustice. Then was it a fine on the landlord? Looking at the statement he had made, which he believed to be accurate, and at the legislation under the Small Tenements Act, he submitted that the 25 per cent was a Parliamentary compensation to the landlord for putting upon him the compulsory obligation of being

rated where he was not previously liable to be rated. The 25 per cent could not in any way be a payment to the landlord for his risk or trouble. Surely, the landlord had no more trouble in collecting the rate as a part of the rent than he would have had in collecting the rent alone, and he ran no more risk in respect of the rate than he did in respect of his rent, seeing that he could exercise the same power of distress for the recovery of both. The other composition—namely, that which might amount to 50 per cent, which was an optional one, applied not to any particular house, but to all the houses belonging to the same landlord. If the best of his tenants were taken away, by inducing them to get themselves placed upon the register, that might make a difference to the landlord. But if he were injuriously affected in consequence, the cure lay in his own hands, for the moment he found that too many of his good tenants had claimed to be put upon the register, he would no longer claim to pay the composition. The parish would not be affected in any way by the Government plan; because, although they would receive the gross rate from the tenant, 25 per cent of it must be regarded as an equivalent for the trouble and expense of collecting it. Thus, no injustice and no fine would be imposed upon any person or body by the Government plan. He would proceed to try the proposal of the hon. Member (Mr. Hibbert) by the same tests. If the scheme of the hon. Member were adopted the tenant would have to pay the compound rate to the parish, that is to say, he would have to pay 75 per cent of the whole rate to the parish; the remaining 25 per cent he would pay to his landlord in the form of rent. As far as the money result to the tenant was concerned, therefore, the two plans were equal. The test, however, of the responsibility of the tenant was very different under the two schemes; seeing that under that of the hon. Member the tenant was required to exercise his forbearance in providing for the rate. As far as the landlord was concerned, if the 25 per cent was only a Parliamentary compensation there was no fine by the Bill on the landlord. If they took away the Parliamentary obligation to be rated they could fairly and justly take away the compensation granted in respect of that obligation. But if the 25 per cent were really a compensation for the expense of collecting, inasmuch as they took away the landlord's trouble

by obliging the tenant to pay the rate, the hon. Member's plan would put money into the landlord's pocket. According to the plan of the hon. Member they took away the risk, and yet left the compensation of 25 per cent. Another defect in the hon. Member's plan was that it made a distinction between compound landlords and tenants, and their equals who were ordinary landlords and tenants. Were he inclined to indulge in declamatory language he might characterize that distinction as invidious and odious. It had been said that if the 3rd section of Sir William Clay's Act of 1851 were allowed to stand, and the Amendment of the hon. Member were not adopted, a distinction would exist between the occupiers above and below £10. That statement he admitted to be true, and at the time when the hon. Gentleman had given notice of his Motion his Amendment was justifiable, seeing that at that time the Government had not introduced into their Bill the clause which enabled the occupier to deduct the whole rate when he had paid it from the rent. But now that clause had been introduced into the Government Bill, and it applied not only to houses under £6 under the Compound Tenements Act, but to compound-houses above £10 under the local Acts. The latter having advantages, be it observed, they did not possess before, because they could never before have deducted more than the compound rate they had to pay, whereas, under the Government Bill, they could deduct the whole rate. The state of things therefore which justified the hon. Member in giving notice of his Amendment had entirely changed. The question therefore was narrowed to one point. Was it right to repeal the 3rd clause of Sir William Clay's Act of 1851? Sir William Clay's Bill, as it originally stood, did not include the 3rd clause. The Bill was brought in for a totally different purpose. The Courts of Law had decided that a tenant claiming to be rated was obliged to renew his claim on the imposition of each succeeding rate. This was deemed a hardship. Sir William Clay's Bill was brought in for the purpose of removing that hardship. But while the Bill was in the House the 3rd clause was added, and he believed it arose from the seductive power which the hon. Member (Mr. Bright) brought to bear upon the then Home Secretary. That clause, even at the time it was passed, was a most mischievous one, and the

Government therefore were right in their endeavour to repeal it now. It was wrong legislation, and there were not twenty Members of the House who would agree to such a clause if now put forward. If that clause were repealed, there could be no reason for the substitution of the plan of the hon. Member for that of the Government, which was much more just, wise, and expedient than that of the hon. Member. To sum up—this Amendment was inconsistent with the principle of the Bill. There was no reason for treating this case as an exceptional case. There was therefore no sufficient ground on which the House could be asked to accept the Amendment. But suppose he had failed in establishing the propositions with which he had started. Was there sufficient difference between the two schemes—was there such injustice and inexpediency in the Government plan that Gentlemen opposite should endeavour to force the Amendment and should by succeeding wreck the Bill? Could they justify themselves, they the assumed partisans of the working people, of whom they professed to take so much care, if they threw out the Bill—not because there was any injustice done to the occupiers, but because there was something in it which was unjust to the landlords? He did not, of course, ask those hon. Members who had satisfied their own minds that this was a bad Bill, not to press the Amendment. Hon. Members who entertained that opinion would, of course, press the Amendment simply with a view to destroy the Bill. His position in the House did not warrant him in making any strong comment on such conduct; but of those hon. Members on the opposite side of the House who were not anxious to see the Bill destroyed, who fully admitted that there was a great deal that was good in the Bill, and who adhered to the promise made at the commencement of the Session, that if hon. Gentlemen on one side would yield some of their opinions, hon. Gentlemen on the other would also yield in some degree, he thought they had a right to expect a different course. From those hon. Gentlemen, unless they believed that the Amendment was absolutely necessary, and the plan of the Government thoroughly unjust, they had, he thought, a right to expect as much yielding as they could fairly and reasonably consent to. This, perhaps, they had a greater right to expect, considering what they on the

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Ministerial side had yielded. The very introduction of such a Bill was a great point gained from the Conservative party. But in order to lead to a satisfactory settlement of this question, they had still further abandoned the dual vote, and the two years' residence, and had conceded the lodger franchise. Considering the state of the question in the country, there was nothing dishonourable to the Conservative party in having given up as many of their opinions as they in justice could in order to arrive at a settlement upon this question. If an objection might fairly be raised to the Bill, that objection might, in his opinion, more fairly come from Members of the Conservative party than from hon. Gentlemen opposite. Still, he must remind those Gentlemen among his own party, who were discontented, that they ought steadily to contemplate the alternative before them. If they threw out the Bill before the House, they would, considering the state of the mind of the right hon. Gentleman (Mr. Gladstone) ["Oh!"]—he would assure hon. Gentlemen opposite that he had not the slightest intention of saying anything disrespectful to the right hon. Gentleman—all he meant to say was that considering the views of the right hon. Gentleman with regard to this question, they would have to submit to a Bill which would be brought in by the right hon. Gentleman, the effect of which would, he could not doubt, be the entire annihilation of the Conservative party in the House and in the country.

MR. J. STUART MILL: It must be admitted that the Government, by the last concession which they have made, have abated one of the most obvious objections to the most objectionable of all the provisions of the Bill. The compound-householders are not to be burdened with any fine. They are to pay it, but they will be allowed to deduct it from their rent, and will thus be subject to one disadvantage the less. So much has been said about this single disadvantage—so great stress has been laid on what is called the fine—that attention has not been sufficiently directed to the many other impediments which will remain. The hon. Member (Mr. Hibbert) has called the Amendment a great improvement. He should rather have called it a real, but a small improvement. Not only will the voter have to keep money by him for a quarterly payment, instead of a weekly payment which gives no trouble, being

confounded with his rent; not only will he have to lie out of his money until he has recovered it—perhaps by weekly instalments; but another most essential condition is requisite, on which the hon. Member has justly laid much stress—his landlord must consent. And who is his landlord? One of that powerful class, destined henceforward to be more powerful than ever—not a popular class either with this House or with the public—the owners of small tenements: every one of whom, if his solvent tenants take advantage of the Bill, will lose, to say the least, a profitable contract. Let hon. Gentlemen realize to themselves what an obstacle this is, and then say whether it is likely that in the face of it, the Bill will give more than a very limited amount of honest enfranchisement. But I might be better inclined to accept it as an instalment, if it did no worse; if it was satisfied with keeping almost every small householder out, and did not let anybody in by unfair means. But what will happen? If the Bill becomes law in its present shape, no sooner will it have passed than the scramble will begin for the 465,000 compound-householders. It is safe to say that whichever party can put the greatest number of these people on the register, and, what is of still greater consequence, can keep them there, will have a tolerably secure tenure of power for some time to come. Now, success in this will be principally a question of money. We need not necessarily suppose any direct bribery, any payment of rates, anything distinctly illegal. But there will have to be, and there will be, a perpetual organized canvass of the 465,000. Organizations will be formed for hunting up the small householders who are not rated, and inducing them to come on the rate book. The owners of small tenements must be canvassed too, that they may give their tenants leave to register. Every motive that can be brought to bear on either class will be plied to the utmost. Perpetual stimulus will be applied to the political feelings of those who have any, and to the personal interests of all. Both sides in politics will be prompted to this conduct by the strongest possible motive—by that which makes so many men, not wholly dishonourable or without a conscience, connive at bribery—the conviction that the other party will practise it, and that unless they do the same, their side, which is the right, will be at an unfair disadvantage.

Now, this annual, or rather perennial, rating and registering campaign among the small householders, will cost much money. I hope that hon. Gentlemen on this side of the House, who, loving household suffrage not wisely but too well, have brought matters to this state, intend to come down handsomely to the registration societies in their own neighbourhoods; for the registration societies are destined henceforth to be one of the great institutions of the country. I wonder if any one, possessed of the necessary pecuniary statistics, has estimated how much will be added to the already enormous expenses of our electoral system when this Bill has passed. The Chancellor of the Exchequer knows perfectly well which side is likely to carry off the prize when it comes to a contest of purses; though, after the profound contempt which I was happy to hear that he entertains for all such considerations, it would be uncourteous to suppose that he is in any way influenced by them. But this serviceable piece of knowledge, though the right hon. Gentleman is indifferent to it, is one which I should like to impress upon the clever Gentlemen who are going to outwit the Chancellor of the Exchequer, and make his Bill bring forth pure and simple household suffrage, contrary to the intentions of everybody except themselves who will vote for it. Now, if the Conservatives do, what without doubt the right hon. Gentleman intends they should—namely, by dint of money, bring everybody on the register who is dependent on them, or who they think for any reason is likely to vote with them; what is expected that the Radicals will do? Every creature must fight with its own natural weapons: hon. Gentlemen opposite carry theirs in their pockets: the natural weapon of the Radicals is political agitation. In mere self-defence they will be compelled to be greater agitators than ever, more vehement in their appeals to Radical feeling, more strenuous in counter-working the voter's personal interest by exalting to the highest pitch every political passion incident to his position in life. This is what will happen even if we make the chimerical assumption, that the money expended in making voters will all be expended in modes which are conventionally innocent—that there will be nothing scandalous, nothing absolutely illegal; not even that decent form of bribery, payment of rates. But is any one so simple as to be-

lieve that this will be the case? Encouraged by the brilliant success of your bribery laws, you are going to make payment of rates for political purposes an offence against those laws: and your reward will be, that whereas you do now and then detect a case of bribery, it is questionable if there will ever be a single conviction for the other offence. You find it difficult enough to prove bribery, committed where all eyes are watching for it, amidst the heat and publicity of a contested election. Will it be an easy matter, think you, to prove judicially that the non-rated householder, who a month or two before the registration, goes quietly to the parochial officer and pays his full, not his composition rate, has had it put into his hands a few days previous, when no one but the registration agent was thinking about him? And if you could prove it, whom could you convict? Not the candidate; at the time of the registration there is no candidate. The offender is a society of gentlemen in the neighbourhood. If you can convict any one, it will be some needy agent, some man of straw, unauthorized by anybody, beyond general instructions to do the best he can for the Conservative or the Liberal interest. I just now called what would take place a scramble for the compound-householders. I might have called it an auction. Except under the impulse of strong political excitement, we may expect that the small householders who will get on the register will generally get there at some other person's expense. And the work which begins in this way will not end with it. Once paid for his vote, the integrity of the elector is gone. Many a one will go further, and take payment in a grosser and more shameless form. This is the futurity which the Government Reform Bill provides for us. There was but one thing wanting to complete the picture, and that one thing has been vouchsafed to us. It is, that the Minister who is in this way sowing bribery broadcast with one hand, should hold a Bill for the better prevention of bribery in the other. That Bribery Bill completes the irony of the situation. Sir, the point on which we are now deliberating is, in the judgment of this side of the House, the most important of all the points which we shall have to decide. I sincerely hope, in spite of what was said by the hon. and learned Gentleman who spoke last, that it is not so in the eyes of the Government. No one now

wants to throw out the Bill. If it is wrecked it will be by its authors; nobody can wreck it but themselves. The Bill, however, has now come out in its true colours, as a Bill which restricts the suffrage. Of course, I do not mean that it does nothing else. But if it passes, it will make the franchise more difficult of access to a considerable portion of those who are by the present law entitled to it. As regards the new electors, the right hon. Gentleman the Chancellor of the Exchequer has framed his measure very skilfully to effect the greatest apparent, and the smallest real, enfranchisement of independent voters, and the greatest, both apparent and real, enfranchisement of the bribeable and the dependent. Perhaps the House thinks I mean this as a reproach to the right hon. Gentleman, as if there were something tricky and insincere in it. But I am bound to say that the right hon. Gentleman, from as long ago as I remember, has seemed to me remarkably constant to a certain political ideal, which may be defined, an ostensibly large and wide democracy, led and guided by the landed interest. He has always aimed at shaping our institutions after this type, whenever he has meddled with them, either as a theoretical or a practical politician; and there need be no doubt that he sincerely thinks it the best form of Government. But that is no reason why we should follow him, who like neither his end nor his means. I am afraid that this Bill, so far as it relates to compound-householders, will make ten electors with other people's money, for other people's purposes, for every one who will make himself an elector by the exercise of the social virtues: and will greatly increase, instead of diminishing, the influence of money in returning Members to Parliament. I believe that in consequence, instead of attaining the end to which so many hon. Members are willing to sacrifice everything, that of putting the question to sleep, and giving a long truce to agitation, this Bill, if it passes with its present provisions, will achieve the unrivalled feat of making a redoublement of agitation both inevitable and indispensable. Thinking these things, I must resist to the utmost these parts of the Bill; and must vote for any Amendment which tends to diminish, either in a great or in a small degree, the obstructions, removeable by money, which the Bill throws in the way of a small householder's acquisition of the suffrage.

Mr. J. Stuart Mill

GENERAL PEEL said, my intention, Sir, was to have voted against the second reading of this Bill, and nothing but the general understanding which prevailed at the time that the acceptance of the principle of the measure was not involved in the consent of the House to allow the second reading to pass unchallenged, prevented my doing so. I expected at that time that the opportunity would have been given us of discussing the principle of the measure upon the Motion, Sir, for your leaving the Chair, or upon that for going into Committee, and I think that some attempt was made on the part of the hon. Member (Mr. Darby Griffith) to procure a hearing for this purpose. The Bill has, however, drifted into Committee with less discussion upon its principles than any Reform Bill ever had before, and with less than has fallen to the lot of many an insignificant measure. The House, therefore, will not be surprised if Members take advantage of any opportunity that offers of considering what the effect is likely to be of this great change in our borough franchise. Sir, I attach no importance whatever to the personal payment of rates as any security whatever against household suffrage pure and simple. The hon. Member (Mr. Bass), who voted for personal payment of rates, stated, in a letter which he wrote to *The Times* upon an article he had extracted from *The Law Times*, that the compound-householder would have better facilities for getting upon the register than the present £10 voter. Whether that be true or not, personal payment of rates may certainly be classed with those securities to which I alluded when I spoke before the Easter holidays of securities which, having nothing in themselves to recommend them, were no security whatever. The security to which I then particularly alluded was that of the dual vote. I did not think at the time that I should have had my assertion so soon endorsed by the House. The dual vote, however, was swept away before the Bill was read a second time. Now we are invited to endorse the assertion that he who personally pays his rates possesses every virtue under the sun. I do not believe it, and say that this security would never stand; because if it has the effect in large constituencies of preventing people, who would otherwise be entitled to the franchise, being placed on the register, it will be complained of as a grievance and infallibly be swept away. In the smaller

constituencies, where the Bill would effect the changes of the greatest consequence, I would venture to say that every householder would find himself placed on the register and the rates paid for him by some active electioneering agent. You may flatter yourselves that the Bill you have introduced to prevent bribery will answer the purpose. I answer that there is not a clever electioneering agent, and there are some in every borough, who will not be able, as Mr. O'Connell used to say, to drive a coach and six through it. One great objection I have to this Bill is the similarity it introduces between the municipal and the Parliamentary franchise. It is at municipal elections that the great battle will be fought and bribery exercised. Every small borough will be in a continual state of agitation; every municipal election will be of the greatest importance. Do not flatter yourselves that those who vote at the municipal elections cannot be depended upon at the Parliamentary elections. Look at the elections before the last Reform Bill, in those cases where the municipal and the Parliamentary franchise was the same. Take the case of Norwich, with which I was personally acquainted. The side that obtained the majority of votes at the municipal election could feel secure when the Parliamentary election came on. The hon. and learned Gentleman (Mr. Brett) said that if there is to be any objection started, it might more naturally be expected to come from the Conservative Benches. Well, I entertain a strong objection to the Bill. If I am asked how I reconcile this with the expression of my wish that this question should be finally settled, I say that I still wish to see a settlement, but I am not therefore bound to accept the worst settlement possible. A man may wish to see himself settled; but he does not, for the purpose of securing a settlement, throw himself into the river or cut his own throat, which is the settlement the Conservative party are, in my opinion, making for themselves by this Bill.

MR. GLADSTONE: The hon. and learned Gentleman (Mr. Brett) made an appeal to the Committee which I should be sorry to pass by in silence. He claimed, on behalf of the Government, that great concessions had been made, and he laid down the principle—undoubtedly a just one—that when great concessions had been made on one side of the House there might be some fair expectation on the

other that they would be reciprocated. But what are the great concessions made to this side of the House? First among them was paraded the dual vote. But the hon. and learned Gentleman forgets that on the night when the dual vote was discussed it was denounced in the most unqualified terms by the right hon. Gentleman (Mr. Henley); and that when the Chancellor of the Exchequer said that he would not persevere with it he declared that upon his own side of the House the proposal had not met with a single adherent. Then the hon. and learned Gentleman says there was a great concession made in the acceptance of one year's instead of two years' residence. But what kind of concession is that with reference to which the world is informed by the highest authority that if the proposal is carried it will be fatal to the Bill. That extreme statement is not receded from, the matter is carried to the issue of a division and settled by an overwhelming majority, of which the hon. and learned Gentleman was not one. The ideas entertained by the hon. and learned Gentleman as to concessions are certainly strange. He even looked upon what has been done with respect to the lodger franchise as a concession. But he forgets that we have not yet the lodger franchise, that the Chancellor of the Exchequer has steadily refused to indicate the form in which it is to be given, and that when asked to say only that the lodger franchise shall be framed with a view to a liberal admission of the artisan class, he declines to confirm the doctrine. So much for the concessions to which the hon. and learned Gentleman refers. But I wish to say one word on the subject of concessions of this character. There are certain subjects, and they are very numerous, on which the authority of Parliament is so high, and its credit with the country so unimpaired, that you may very safely say that whatever is agreed to on both sides of the House will be accepted by the country. That is not the case with respect to this subject of Parliamentary Reform. ["Hear!"] My belief is, that were the argument of the hon. and learned Gentleman to prevail, and were the Gentlemen sitting on this side of the House to move in the direction indicated by the cheers of my noble Friend (Lord Elcho), and to leave the compound-householders of this country in the position proposed by the Bill, the only effect would be to produce out of doors a more violent re-action,

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and that no credit which any Gentleman—at any rate, which any Gentleman sitting at this side of the House, may possess with his constituency would in the slightest degree avail to recommend such a measure to the country. The hon. and learned Gentleman says that the object of the Motion is to wreck the Bill, and he naturally uses me—he parades me in the character, more commonly assigned to my hon. Friend (Mr. Bright)—as a bugbear to the country, in connection with the formidable results that may follow. I do not complain of the hon. and learned Gentleman on that account. I can assure him that I should have taken no offence if he had spoken of me in terms more free than the very considerate phrases which he used. I should be the last to weigh closely the words of any Gentleman in these debates. But we may be permitted to say two things. To say, with the hon. Member (Mr. Hibbert), that our desire is not to reject but to improve this Bill; and at the same time to say, that there are matters on which, with a view to its improvement, we feel it necessary to insist. If there be one condition more than another to which, at any rate, many of those who sit near me are, with myself, irreversibly bound, it is this. It would be not only an offence against policy, but an offence against faith and honour, were we to acquiesce in the passing of a measure with respect to which we entertained less than a conscientious belief that it would avail for a durable settlement of this question. Consequently, I hope the hon. and learned Gentleman will see that there are real barriers in our way which restrict very much the liberty of choice we must possess when we are here dealing with one of those questions of which this House is entirely master, and on which the country has formed a distinct and decided opinion. My hon. Friend (Mr. Hibbert) said—and very justly—that his object was to improve this Bill. It appears to me that my hon. Friend is perfectly justified in the occasion he has chosen for endeavouring to effect, at all events, the first step to that improvement—namely, by resisting the insertion of words which, as far as I can judge, are of a reactionary character, and will greatly deteriorate the Bill. The hon. and learned Gentleman appears to me to be under a total misapprehension both of the effect of this Motion and of the vote arrived at on the 12th of April, and likewise of the technical rules that bind the Committee on

this Bill. There is no technical rule whatever that should bind this Committee from reversing a decision at any moment it may think fit—I mean practically reversing by the introduction or rejection of words—nay, from reversing and re-reversing any proposition contained in this Bill, or any decision given upon this Bill at any earlier stage. There is no such technicality. But the question is not about the reversal of the vote of the 12th of April. The vote of the minority on that occasion went the length of asserting in its whole breadth a political principle, which I believe to be sound and true—namely, that no artificial barrier should be set up by Parliament in the way of the obtaining of the franchise by those whom Parliament thinks to be fit to obtain it. The House declined to say, as I invited them to say, “We will have no distinction whatever between rated and non-rated, we will take no cognizance of the question whether personal rating obtains, or not.” But, because the House declined at that early stage to affirm the broad rule which I laid down, the hon. and learned Gentleman thinks he has an affirmation of all the subsequent parts of the Government proposal as to rating. But nothing was decided by that vote of the 12th of April, except that there should be some cognizance of personal rating in the further stages of the Bill consistent with that vote. The hon. Member (Mr. Hibbert) founds his Motion on such cognizance, and he does not propose to destroy the rule as to personal rating. I am not going to discuss in its fulness the proposal which my hon. Friend in due time will make. But what is the proposal on which we are called on to vote to-night? Notwithstanding your present law, notwithstanding your present practice, notwithstanding that you have at this moment on your register tens of thousands of men—not so many tens of thousands as I could wish—but still some tens of thousands that are never personally rated at all, you are to be called on to insert words which will alter the course of legislation, and which will lay down in a new sense this restrictive principle, that no individual—at least, that no class of individuals, saving of course existing rights—shall hereafter come upon the register except in virtue of being personally rated. That is the question we are asked to determine to-night, but that is not the clause of my hon. Friend. It will be perfectly open to hon. Gentlemen opposite to allege what

they like against the clause of my hon. Friend. But the question now is whether we should insert words which aim at introducing into our elective code restrictions that have been abolished ever since the passing of the Act of Sir William Clay. Permit me to say that, in the condition of the public mind, this is a very grave question. If this subject is not very clearly understood within these walls, I think it is largely understood beyond these walls, and I do not wish to be responsible—though the hon. and learned Gentleman may—for introducing at this time of day new restrictive proposals and principles into the electoral system of this country. Now I come to a point on which I confess I am unable to agree with my hon. Friend, who says that the present proposal of the Government is a great improvement on its former proposal. It appears to me that to push this controversy to any great length would be rather an invidious proceeding. It is like discussing a question between two persons of extremely ill-favoured countenance to determine to which of them nature had been the more or the less bountiful. It might require some time and some pains to explain exactly and in detail the curious variations of the three plans which the Government have successively laid before us for dealing with the compound-householder—that is, for dealing practically with three-fourths of the persons about whose enfranchisement we are now concerned. Without wearying the Committee with details, this, on the whole, will be a pretty fair description of the differences between these two plans, subject to one remarkable qualification. When the first of these proposals was submitted to us it was comprised in Clause 34 of the Bill. I contended at the time that the 34th clause of the Bill imposed a fine on the compound-householder under £10. My hon. and learned Friend (Mr. Roebuck), in the guarded and mild language which he says he has learnt to adopt in these days of his ripe experience, described my observations as “a series of pettifogging cavils.” Another Gentleman, an hon. Friend of mine, whose lips have never been opened in this House except to utter words of mildness—I mean my hon. Friend the Member for Derby (Mr. Bass)—said, as to the fine that it was “all nonsense.” My hon. Friend at that time was among what Sir Walter Scott calls “the children of the Mist,” and I do not think, under those circumstances, he ought to be called too

strictly to account with regard to the precision of his language. If we were to indulge in feelings of gratified egotism, my hon. and learned Friend (Sir Roundell Palmer) and myself might have enjoyed something like a mental banquet on the extraordinary fulness and breadth of the admissions which have been made that the pettifogging cavils and nonsense which we were supposed to have promulgated, expressed, in the view of the Government, a truth of political economy which is now to be adopted by them as the basis of their proposals. By the first proposals of the Government the compound-householder was to be subjected, as we thought and alleged, both to labour and trouble and likewise to the pecuniary burden which I ventured to call a fine. The present proposal is that the compound-householder is to be allowed to recoup from the landlord the entire sum he will pay in the name of rates. But then he is to cease to be a compound-householder. There is no reason why my hon. Friend (Mr. Hibbert) and I should not have each our own opinion. My own belief and opinion that, although the imposition of a fine of some 3s. or 4s. must in some cases act as a burden and a grievance, a much greater grievance—a much more serious burden—would be imposed if this House should take on itself to interfere in all the relations of landlord and tenant, in all the arrangements which three-fourths of your borough population rated under £10 have entered into either in consequence of their means or for their own convenience, and that you should make that change in the tenure of their dwellings a condition of their access to the franchise. I do not ask what is the intention of the Government. That might be very well if we were here engaged in censuring what they have done. But we are not here for that purpose. We are here to consider what is for the good of the country. We are here to see what will be calculated to soothe the public mind, which is sensitive and irritated enough on this subject. I do not believe there could be a form of proposal savouring more of the worst spirit of class legislation than one by which you go to the mass of the householders and tell them that they must change the tenure of their dwellings in order to obtain admission to the franchise. But there is another difference of which I do not think the right hon. Gentleman the Chancellor

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of the Exchequer has taken cognizance, in the third plan of the Government as compared with the first. For the first time Her Majesty's Government proposes to go back on the condition of the old compound-householder. Is that a concession? Is that to be paraded as an evidence of conciliation on the part of the Government towards this side of the House which ought to be reciprocated? I cannot take that view of this retrogressive step. I can only suppose that in consequence of the enlargement of the franchise under this Bill by the adoption of one year instead of two years as the term of residence, it has been found necessary by the Government to make a corresponding concession to the opponents of that extension, and for that reason this blow has been struck at the position of the compound-householder. And here I beg to allude to an answer given to me by the right hon. Gentleman in the earlier part of the evening. In that answer I think he was not literally accurate. He will correct me if I am wrong. He appeared to me to be under a misapprehension as to the existing law and as to the fact. I asked him whether the old compound-householder at and above £10 who, under his proposal, is to be allowed to come on the register is still to continue a compound householder. The right hon. Gentleman said that my question was not clear. I am aware that my question was not framed in technical language. The words were not those which I should have used if I was desirous of legal precision; but they were words which I had hoped would convey my general meaning. The right hon. Gentleman said that a compound-householder was not to lose any privilege which he possessed under the Act of Sir William Clay. But that is just the privilege which he is to lose. The compound-householder who wishes to obtain the franchise is to cease to be a compound-householder. He is to apply to be rated, he is to be rated, he is to pay the rate; and the landlord is no longer to be responsible. Consequently, the compound-householder ceases to be a compound-householder. He becomes an ordinary ratepayer. Your equality, so far as you have established it, is between the old compound-householder and the new compound-householder. But I never wish to purchase equality by a backward movement. I wish to get it by going forward. I do not wish to obtain it by the destruction of privileges long enjoyed—privileges, as I shall show by-and-by,

too much hampered—privileges acknowledged and never abused. I am unwilling to take equality purchased on such terms. What I want is not only equality of treatment as between compound-householders above £10, and compound-householders below £10, but equality of treatment for all descriptions of persons who are entitled to vote. The right hon. Gentleman does not perceive that while he advocates restrictions on the one hand he aggravates them on the other. That while he removes the inequality between the voters above and below £10, by his restraint upon the exercise of the privilege, he grievously aggravates the inequality between the ratepayers and the compound-householders who are both above £10. That is the question which is now raised. I do not say that the Amendment of my hon. Friend will do all that justice requires; but I do say he is perfectly right in protesting against the introduction of any new disabilities as against the existing compound-householder in his relation with the ordinary ratepayer. I now come to the liberal admissions in argument made by the right hon. Gentleman the Chancellor of the Exchequer. I wish the admissions in his Bill had been equally large. He is now convinced that the compound-householder pays in his rent the whole of the rate. That is a proposition which, as far as my memory serves me, I never ventured to assert. It is a question of political economy of a nice character. I quoted the dictum of a Court of Law to the effect that the compound-householder must be considered as paying the whole of the rate. That is a legal dictum. But I do not understand the learned Judge as having taken upon himself to solve the economical problem. I do not hesitate, however, to give this opinion, which is shared in by others of greater authority, who sit near me. If it is not true that the compound-householder pays the whole of the rate, he pays much more of it than the composition amounts to. I am not disposed to quarrel with the right hon. Gentleman as to the proportion of the rate paid by the compound-householders. But I think that in some cases, such as Norwich, where the composition is not 25 or 50, but 75 per cent, it is difficult to believe that the occupier does not get some benefit. I am satisfied, therefore, to take the right hon. Gentleman's estimate, for I do not think it is far from the truth to say that the compound-occupier pays the whole, or

nearly the whole, of the rate. The right hon. Gentleman gave us an analysis of the elements in this case. I may hereafter question its correctness. He said they were three. The rent proper, the composition rate, and the bonus to the owner. He added that, as a general rule, the composition and the bonus taken together amounted to the full rate, and that, consequently, the compound-householder paid the full rate. I want to know whether that was the indisputable principle on which it was announced that the borough franchise under this Bill was to be based. My hon. and learned Friend (Mr. Roebuck) in his clear manner made this matter the subject of a pointed question. It was stated, in terms most emphatic from the Treasury Bench, that the compound-householder did not make the same contribution to the State as the ordinary ratepayers, that he did not bear his full share of burden as a citizen, and that consequently you had a right to draw a line, and not admit him to the franchise till he did bear his full share by paying his rate in full. How do you stand now? It is now admitted that the compound-householder does pay the full rates—that he does discharge all the duties of a citizen—that his contributions to his parish are equal with those of his neighbour. [Mr. DISRAELI: No!] What! No—not pay the full rate! Is this a fourth edition? The right hon. Gentleman has heard me repeat the analysis that fell from his own lips. He does not correct me when I say he did distinctly state that the compound-householder paid the full rate. So far as he is concerned, he paid the full rate. Whether all he paid reached the treasury of the parish is another matter. But he paid the full amount. I want to know this. If he pays the full rate, ought he to suffer if the parish does not get it all? Supposing such to be the case. The parish adopted this arrangement of compounding for its own convenience and comfort. An hon. Friend of mine, a great authority on the subject (Mr. Poulett Scrope), has stated that in the case of an inferior class of houses the effect of this arrangement is considered to be that the parish not only gets the full rate from some persons, but a much larger aggregate of rate than if there was no compounding. Where one man pays 20s., and another 30s., and they are in a nearly similar position, I want to know by what title it is that Parliament should be asked to interfere in order to give the franchise

to one man and to refuse it to another. That is the reply to the argument made use of by the hon. and learned Gentleman (Mr. Brett). The compound-householder, it is admitted, pays as much as another man in a form convenient to himself; but it is required that, in order to obtain a vote, he should pay the money in a much less convenient form. And that is what you call the discharge of civil duties. I contend, as I have said before, that Parliament ought not to erect flimsy and artificial barriers between man and man, and then to dream that it has set up securities. Do not let us suppose that we possess the power of blinding the country on this subject. The country teems all over its surface with vigorous expressions of opinion. You may be aware of them or not; but the fact is that in nearly every great town as strong manifestations of public sentiment on this subject have been made as have been made upon any question that has been discussed in our time. There is not one among the scores of memorials transmitted to me personally during the last four weeks—including those from the town of Sheffield, where the liberal operation of the Bill might have been expected to produce a different result—there is not one of them in which these distinctions about the compound-householders are not energetically and indignantly denounced. Is this composition to be broken up? The hon. Member (Mr. Hibbert) said, "Break it up," and there were cheers from the other side of the House. By all means, if you think it a bad system, break it up. Prepare your proposals, and bring in your Bill. Sweep away both the local Acts and the compounding Acts. That is a fair question for argument, though I am afraid that the fact of an Act having been during fifteen or twenty years accepted by the settled and voluntary action of 5,000 parishes goes far to prove to my mind that there must be some strong element of social convenience in it. My hon. Friend says he thinks it does produce much convenience; but that that is counterbalanced by certain disadvantages. This I must say—that the Compound Householders Acts have had the effect of getting rid of a class of people with whom it is exceedingly difficult to deal. My hon. Friend (Mr. Stuart Mill) has referred, in his usual lucid style, to the kind of voters who would be created, especially in small constituencies, under this Bill. I conclude, of course, that the right hon. Gentleman

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the Chancellor of the Exchequer must perceive that if the enfranchisement of these small householders, down to the very lowest, is to be permitted and adopted by Parliament, as it may be or may not, it is quite obvious that a very large measure must follow for a re-distribution of seats. It is wholly out of the question that bodies of 500 or 600 cottagers in the very lowest state of physical existence which is compatible with any decent amount of clothing and sustenance, should be invested with the exclusive control of Parliamentary elections. Do not let us mix up this question of the repeal of the compounding Acts with the question of the Parliamentary franchise. Nothing can be more admirable than the readiness with which hon. Gentlemen opposite have during all this year allowed themselves to be led into a snare. When my hon. Friend said, "Let us repeal the compounding Acts and the Small Tenements Act," I heard a loud cheer from the other side of the House. [An hon. MEMBER: It came from your side also.] It was perfectly consistent if it came from our side. But if this Bill be passed with a clause abolishing the compounding Acts, what can be the result except that pure and simple household suffrage which the right hon. Gentleman the Chancellor of the Exchequer declares he can never assent to? It seems to me that it is impossible to make the repeal of these Acts a practical part of our present deliberations. One thing which has influenced some Gentlemen on this side of the House voting with Gentlemen on the other side, has been a desire to obtain a settlement of this subject. But how, I would ask, is this subject to be settled? If the operation of the Acts under which 5,000 parishes and many millions of the population of this country—probably one-half of the population—regulate all the dealings between owners and occupiers and between occupiers and parishes—if, I say, the operation of these Acts is to be examined, and inquired into, and decided upon, how far is that compatible with the sanguine prospects entertained of a speedy settlement of this question? These Acts have been found to operate largely for the convenience of the parishes. In a great number of them it was found difficult to collect rates from small occupiers. They have also been a great convenience to the landlord, because the landlord has obtained a good contract. He has undertaken a profitable business—a business profitable

to him without being injurious to others. Then these Acts have been beneficial to the occupiers, especially in one respect. Nothing can be more convenient than that a man who is dependent upon weekly wages should by a weekly payment be able to dispose of every charge upon him. Surely it is always desirable to spare time and labour if we can. The economy of labour is as good as the economy of money. Yet the hon. and learned Gentleman (Mr. Brett) thinks it is a positive recommendation of this Bill that, instead of enabling a man on weekly wages to pay the money in his weekly rent, it will require him to meet demands occurring at uncertain intervals, and when small fractions of money are in question to the disadvantage of himself and of everybody else. It is not easy for a man living on weekly wages to have the sums necessary for the payment of rates always ready at hand. It is all very well for hon. Gentlemen to stand up in this House and talk about people always having money ready to pay into the hands of the rate-collector; but language of that kind is not language which is interpreted out of doors by the classes to whom it is preached as being altogether so generous and amiable as they think they have a right to receive at our hands. Though the condition of the people, thanks to modern legislation, is a great deal better than it was, still very large portions of the population are a great deal too near the brink of want to warrant us in disregarding their practical convenience, under the plea of the doctrine that it is their duty to exercise self-denial, and always to keep money in hand to meet the demands of the rate-collector. I have stated that I should venture to criticize the analysis of the right hon. Gentleman the Chancellor of the Exchequer. I will give my own view of the elements of the sum paid by the occupier of a compound house to his landlord. In the first place, I quite agree that he pays the rent less the rates. There is no doubt about that. Next, I agree that it contains the composition rate. There is no doubt about that. But then the right hon. Gentleman disposes of all the rest under the name of the bonus, as if all the rest were clear profit to the landlord. The calculation, however, will not hold for a moment. There is undoubtedly a payment to the landlord for collection—say of 10 per cent. The right hon. Gentleman may say that is a bonus to him. In one sense it is, and it is no burden to anybody else?

It is 10 per cent saved by a good arrangement. It entails no charge upon the parish. The parish has a good bargain. And now what are you going to do? You are going to throw that 10 per cent into the sea. Then there is the question of the composition being made by the landlord for insolvent tenants. Now I should not say one word on this point after the statement of the hon. Member (Mr. Hibbert), but there is one very important element which was not specifically mentioned by him, though it would have greatly strengthened his argument. It was that the first effect would be to fine the landlord, because by his composition he has not only to meet the cases of insolvents, but also the empty houses as well as the full ones. In the larger number of houses under composition the deduction rises from 33 per cent to 50, 60, or even 75 per cent. Because the empty houses are included it is a fine upon the landlord. Is that contested? The landlord compounds for a large bulk of houses. Some are full and some are empty. Some of the tenants may be insolvent. He takes from the solvent tenants of the full houses enough to enable him to pay the composition rates upon the houses that are empty or occupied by the insolvent tenants. Under the Bill the occupier is to deduct all that he pays from the rent payable to the landlord. I presume you will not contend that the occupier does more than pay the full rate to the landlord. I want a distinct and specific answer to this question. If the occupier of the compound house seeks enfranchisement, and upon seeking enfranchisement pays the full rate, and then withdraws the full rate from the rent paid to the landlord, how is the landlord to pay the rates of the insolvent tenants and of the empty houses? Out of his own pocket? In no other conceivable manner can he do so. That which he so pays is the fine you are going to impose upon the landlord. But what said the hon. and learned Gentleman (Mr. Brett)? I was amused with that portion of his argument. He said, "Take care how you justify to artizans the vote you give against the provision of this Bill, because it inflicts injustice upon landlords." What is the hon. and learned Gentleman's moral estimate of his fellow citizens? That our English Member of Parliament should have occasion to tremble when he stands before a meeting of English artizans, because he pleads for justice to landlords as

well as tenants. When the hon. and learned Gentleman has had more experience of his countrymen, and knows their true character, he will know that, with the rarest exceptions, their sense of justice is not selfishness and egotism. It is a real love of justice in its breadth, in its largeness, in its equality. It embraces alike every class within its reach, and the rights of the class of landlords are as sacred in the eyes of an artizan as the rights of his own class and himself. We are here, I apprehend, to do justice to all classes, and I am not in the least moved by the appeal of the hon. and learned Gentleman. I am prepared to say to artizans or anybody else that we are to do justice to the landlord as much as to them. I have spoken of the first effect of the Bill. The next effect is a different matter. You may pass an enactment oppressive to the tenant. You will find it very difficult to oppress the landlord. He has resources. He has arms, which from the nature of his position you cannot take out of his hand. The injustice you aim at him, by the next step of the process, he will be compelled to rid himself of, by carrying it over to his tenant. The landlord, of course, will not pay the fine. He will break up the composition. He will regulate the rent as he pleases. You will take from him a profitable contract. By a device the most mischievous that ever entered the head of a public man, you will make landlords the enemies of popular enfranchisement. I cannot conceive anything more injurious. It would be bad enough if you only broke up the arrangement by which compounders are compounders. But to bring the two classes into conflict is an unexampled perverseness of ingenuity in mischief. Will not the landlord have something to say for himself? You have authorized him to contract with the parish upon terms favourable to himself without being generally unfavourable to others. You are going to change those terms because, you say, you want to enfranchise the occupier. What has he to do with that? Is he to be called upon to make pecuniary sacrifices in order that his occupiers may be enfranchised? Certainly not. In vindication of his contract rights he will use legitimate means to discourage these people coming upon the register. You not only do an injustice to the landlord by threatening him with a fine, but you take from him the enjoyment of a valuable contract. Is it no injury to a man to be

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compelled by peddling legislation to go into the details of his affairs, and monthly or yearly to alter his arrangements with his tenants. Take the case of a cottage belonging to a compounding landlord. An artizan has a generous ardour to become a voter. He claims, and becomes one. The landlord has to break up his composition. He leaves or dies, and the cottage is taken by another, who does not claim, or by a female occupier. Then the cottage has to be put back under composition, and so the landlord has to shift backwards and forwards *toties quoties*, in order to satisfy these dreams and crotchets of the personal ratepaying. Thus you fine the landlord in time, in labour, in inconvenience, and end by fining him in money. You undo sound economical arrangements. At last, having adopted these tortuous methods of escaping the charge that you were fining the occupier, you arrive by a circuitous path at the same result by compelling the landlord to raise his rent. Great as are other objections, none are so great as the placing of landlords in the position of enemies to the enfranchisement of their tenants. It will cause soreness, anger, diminished attachment to law and order, and all the long train of evils which by a long course of laborious legislation we have been so many years endeavouring to diminish. But supposing the occupier perseveres. The man, notwithstanding the opposition of his landlord, goes to the money-order office, obtains a form of claim, has it sent backwards and forwards in due course, and at last finds himself on the register. But he finds likewise that his tenure must be changed, and that he will have to pay an increase in rent. There is a mischievous conception which in former times possessed the minds of many electors, and that still darkly broods among certain classes, and it is the idea that the franchise is a property. If you want to give fresh vitality to that most mischievous idea, is it possible you can adopt a process more certain to produce that result than to call upon a man, as the condition of the attainment of the franchise, to take trouble, to spend time, and perhaps money, and all to enable him to discharge a duty? He is entitled to say, "If it is a duty, why do you punish me for making the endeavour to discharge it?" A large portion of the Bill goes straight to the promotion of corruption. The landlord would not always be the enemy of enfranchisement. Oh no! many

of them will be rather too good friends to it. The owner of 100 cottages can, if he pleases, without any trouble to the occupiers, pay their rates and make them his sure and subservient voters. The labour imposed upon the householder is no test of public virtue. Few, indeed, will go through it. But by the score, by the hundred, and, perhaps, by the thousand, owners of cottages on a large scale will avail themselves of these means of influencing opinion. They will perform the process wholesale; take out the money-order office claims, send round the steward or the bailiff to get the signatures, transact the whole business and convert men into ratepaying householders without their having taken any trouble in the matter. Thus, in the name of a Reform Bill you will revive the rotten boroughs of ancient times, and in such a form that when the mischief is once effected, it will be almost hopeless to think of applying a cure. My hon. Friend (Mr. Hibbert) professes to take his stand on the Act of Sir William Clay. I must say—I said it on the first night of the debate—I am astonished at the superfluity of fear which possessed the designers of this Bill when they were not content to take their stand on the Act of Sir William Clay. What is that Act? In three or four towns, by the aid of registration agents and societies, the Act has led to the signing of some few thousand claims—4,000 or 5,000, it may be 10,000—and to the insertion of so many names in consequence upon the register. But that was not the object of Sir William Clay. His object was the same as that of the Government—to enable the occupiers of houses to obtain enfranchisement individually. He very wisely, therefore, reduced to a minimum the obstacles in the way of enfranchisement. And yet how sufficient these obstacles have been! I should like to know whether at this moment there are 500 voters upon the register in the whole country that have been enfranchised by an individual compliance with the Act of Sir William Clay. I do not believe there are 500. [An hon. MEMBER: Not 100.] I am taking an outside number, and I challenge contradiction. Why did you not trust the Act of Sir William Clay? Would not that have done for you? You say there are others upon the register. Certainly there are, and they are supposed to be enfranchised by the Act of Sir William Clay. In Brighton, I believe, and in the

City of London they are so enfranchised. But the number of householders quoted by the hon. Member have not been enfranchised by the Act of Sir William Clay. I assert, though with some degree of indistinctness in my information as to proportions, that, as far as I can learn, of the number of householders who have come upon the register since the time of Sir William Clay's Act, by far the majority have been placed upon the register in utter disregard of the conditions of that Act. They never claim, they never pay, they never tender. They comply with no conditions at all. The parish officers, benevolent and philanthropic it may be, or strong political partisans, as I am afraid is often the case, by a vigorous exercise of benevolence, shovel them by the thousand upon the register. That is the way in which enfranchisement takes place for the most part under the Act of Sir William Clay. But, even then, what does the Act do? This is a little bit of statistics, but they are rather interesting. I moved for a Return—and by the courtesy of the President of the Poor Law Board I have been furnished with it in order to show the exact operation of the present law; easy as it is supposed to be and as my hon. Friend wishes to make it, upon the compound-householder. The total number of male occupiers at and above £10 is 639,000. Of these male occupiers 95,000 are compound-householders, and therefore 544,000 are direct ratepaying-householders. The 544,000 ratepaying-householders yield 78 per cent of voters. The 95,000 compound-householders yield 27 per cent of voters. Is that too much? Why did you not take Sir William Clay's Act? Could you really desire more than this? To be able to trumpet to the country that you have enfranchised with unparalleled generosity 100 men, and yet enjoy the comfortable assurance that out of that 100 seventy-two or seventy-three will never come upon the register? I do not think it was necessary to take all this trouble to devise additional securities. Your humane minds might have been spared the sympathy which I am sure you will feel for all the torture you are going to inflict upon these compound-householders. You might have accepted Sir William Clay's Act, and at the same time have attained both objects. The minor object of granting a vast nominal enfranchisement, and the more vital one, I am afraid, of granting a very narrow real enfranchisement.

[Committee—Clause 3.]

chisement. Remember that the present state of the compound-householders is not the praise but the opprobrium of our electoral law. The compound-householders, being rated like other people, it is the opprobrium of our electoral law that only one has a vote out of three. That one only by accident, by lottery, by the particular inclination of the overseer of his parish, and not as the result of his own efforts, or of his political capacity. Sir, I feel so much respect for any vote of this Committee, and so much desire to attain a settlement which would meet the substantial claims of the country, that if it be necessary to maintain this fiction of personal rating, if it be considered necessary to maintain the principle of the Bill, by all means let the compound-householder send in his claim. But do not follow this up by the preposterous condition of requiring him to change the tenure of his dwelling. I may be wrong in saying that it would bear the character of the most odious class legislation. But that is my conscientious conviction. Nay, more, this seems to me almost an elementary principle. I want to know how Gentlemen sitting on either side of the House would receive an Act of Parliament which made their access to the franchise dependent on their changing the tenure of their houses. If they would reject it as an insult and an injury, let us be careful as to the estimate we form of the feelings of these people. It seems to me that we ought to avoid, above all things, the suspicion, which I am afraid we are likely to incur, of dealing falsely, of pretending to make a large enfranchisement, and, at the same time, of taking care to give a small one. My belief is that you may do anything with the people of England if you will treat them honestly and above-board. But fraud ["Oh! oh!"], dissimulation, circuitous methods—legislative fraud, I mean, of course. Call it what you like, I am afraid you will find plenty of people to use that and stronger words. I did not use the word in any personal sense. I give those Gentlemen who make these proposals precisely the same credit, as those on this side of the House claim, with respect to motives, intentions, and other rules of personal action. Well, I withdraw the word altogether. I will not speak of fraud. But any adjustment of provisions in an Act of Parliament which will produce in the public mind—as these provisions are now widely producing—the impression and conviction

Mr. Gladstone

that Parliament is paltering in a double sense with the people of England, and is professing to give that which it means in substance, as to the far greater part of it, to withhold—any such course as this, I say, instead of leading to the settlement of the question of Reform, will be a blow to the honour and the credit of the Legislature, and a serious injury to the institutions of the country.

LORD JOHN MANNERS: Sir, the right hon. Gentleman has told the Committee that the people of England might be induced to believe almost anything. But there is one thing of which they will never be convinced—namely, that this House, in the language of the right hon. Gentleman, is paltering with them in a double sense on this question. The right hon. Gentleman used expressions which he found it necessary afterwards to retract. He applied some of those expressions to the Government. [Mr. GLADSTONE dissented.] Well, I defend the acts and the motives of the Government in connection with this Bill. However, I am defending the act of the House of Commons itself rather than that of the Government. The right hon. Gentleman would, if he could, persuade the House to retract the step it took on the 12th of April. Not being able to do so, he still endeavours to persuade the House to retrace its steps so far as would justify him in approving of the measure. I believe that the people of England would feel the greatest difficulty in finding out the right hon. Gentleman's real objections to the Bill. He said it would create angry feelings between the landlords and the tenants of small houses. At the same time he tells us that the landlords would enfranchise so largely and so freely, that it would be equivalent to bribery and corruption. I really do not know how the right hon. Gentleman can reconcile these two conflicting statements. Neither can I understand the argument of the liberal and philosophic Member (Mr. Stuart Mill) who is in favour of the largest possible extension of the suffrage, and at the same time tells us that the persons who would be enfranchised under this Bill would be bribed wholesale. The conclusion I should draw from the speech of the hon. Member is that the occupiers of the poorer class of houses in the towns, both great and small, are not fit persons to be intrusted with the elective franchise. When the Government propose in all sincerity and truth a measure which will

give these persons the option of a vote, both the hon. Member and the right hon. Gentleman tell the House that it will lead to wholesale bribery and corruption. Is this what hon. Members—after all their panegyrics upon the working class and all their reproaches against those who reflected on even a portion of that class—really mean to say? I do not participate in any such fears. The right hon. Gentleman also denounces the Government for presuming to touch the 3rd section of Sir William Clay's Act, whilst in the next sentence he shows the House how useless and worthless that Act is. But the observations of the right hon. Gentleman on this part of the question may with more propriety be reserved for the Motion of which the hon. Member for Newark (Mr. Hodgkinson) has given notice. The right hon. Gentleman admits that the difficulty respecting the fine has been removed, that equality in this respect has been restored. But he says that inequality has been introduced in other respects, and that we are adopting a backward instead of a forward measure of legislation. I confess I am at a loss to understand how if we place the householder above and the householder below £10 on the same footing, that can be called backward legislation. I think that the Government proposal must recommend itself to every fair and candid mind. The right hon. Gentleman tells us that he has received communications from all parts of the country denouncing the proposal of the Government. These must certainly be very privileged communications, as neither the Members of this House, either in their individual or collective capacity, know anything whatever about them. There have been no petitions on the subject, and I am inclined to disbelieve altogether the existence of any dissatisfaction with regard to this part of the measure. The right hon. Gentleman dwelt on the question of the fine until it has become almost ludicrous, and the compound-householder has degenerated into that worst of all things, a bore. The question of the fine on compound-householders is settled. Nevertheless, it is sought to persuade the country that we are going to inflict another kind of injustice upon him. Well, then, what is the inequality between the position of the compound-householder and the other electors which the right hon. Gentleman dwelt so much upon? The right hon. Gentleman has left us to guess what it is,

nor did he give any definition of an inequality which is to exasperate the country to an extent which legislation will not be able to allay, and which will increase and stimulate an agitation which we all deplore. The inequality which the right hon. Gentleman complains of is precisely that which we have always admitted, and which it is the intention of this Bill to remove, but which will continue to exist if the right hon. Gentleman's views are permitted to prevail. The right hon. Gentleman admits, as he is compelled to admit by the stern facts of the case, that he cannot ask the Committee to reverse its decision of the 12th of April, but that he will be content to retire from the battle if the Committee do not insist on the personal payment of rates. But what becomes of the argument of inequality between the classes of voters? It is we who propose to terminate it, and it is the right hon. Gentleman who quarrels with us for so doing, and who insists upon its continuance. The onus of proof is upon him to show why this inequality should be perpetuated. It is not for us to show, in going back to the old principle of the Parliamentary franchise, that our proposal requires any justification at all. I do not want to enter now into the merits, or demerits of that vexed question of compounding which the right hon. Gentleman regards as the acme of modern civilization; but which, according to my right hon. Friend (Mr. Henley), who knows much more of the practical value of such matters, was "a device of Old Nick." The right hon. Gentleman has spoken about the sanctity of an Act of Parliament fifteen years old. What I say is, do not let the House of Commons, in deliberating on one of the greatest alterations in the electoral system of the country that has ever been proposed, be scared, or frightened, or intimidated, or cajoled from acting on what it believes to be a sound, moral, and just principle in consequence of some alleged difficulty imposed by the partial operation of a permissive statute not twenty years old. The right hon. Gentleman, turning to the hon. and learned Gentleman (Mr. Roebuck)—whose clear, terse, and vigorous exposition of this principle needs no reminder from the right hon. Gentleman to keep it fresh in the minds of the Committee and the country—asked, what has become now of your statement that the compound-householder should not be admitted to the franchise unless he pays the full amount of the rate, since it is ad-

[Committee—Clause 3.]

mitted that the compound-householder does pay the full amount of his rate in the rent he pays to the landlord? The whole gist and point of the hon. and learned Gentleman's position remains unassailed. It is not contended that because the compound-householder may be assumed to pay his rates in full to the landlord, that therefore he contributes his full quota to the public burdens. After the division of the 12th of April the position taken by the hon. and learned Gentleman remains unassailed, and it is that principle we are vindicating to-night. The right hon. Gentleman who is so impassioned an advocate for an unrestricted franchise, has yet something to learn from the great fathers of Reform on this question. There were days when men like Mr. Grey and Mr. Tierney had to fight a very up-hill game in this House on the question of Parliamentary Reform. One of those earliest battles which Mr. Grey conducted with such consummate ability, and after long years with almost unparalleled success, occurred in 1797. The circumstances of that great Parliamentary campaign are somewhat curious and instructive as to the principle laid down in this Bill. Mr. Grey and his Colleagues were so disheartened at the result of their past efforts, that they deliberated amongst themselves whether they should not withdraw altogether from Parliament, and leave the field to their political opponents. At that crisis Sir Philip Francis addressed a remarkable letter to Mr. Grey, and from that letter, with the permission of the Committee, I will read two or three material extracts. The letter bore date May 22, 1797. It said—

"If you choose to proceed by the course of preliminary resolutions, you may lay your foundation in a general assertion that, first, it is the right, interest, and security of the Commons of Great Britain to be fully represented in Parliament by representatives chosen by themselves. Secondly, that it is the duty of the Legislature to secure to the Commons of Great Britain the free exercise and full enjoyment of that right. Thirdly, that the Commons of Great Britain are not fully represented in Parliament by representatives chosen freely by themselves. Fourthly, that leave be given to bring in a Bill to amend and regulate the election of members to serve in the Commons House of Parliament, by extending the right of voting to all householders paying parochial taxes. If you proceed in this way, the fourth resolution must be so constructed that it may not be barred by the rejection of the three preceding. I am not sure that it would not be the safest and easiest way to confine yourself to the last resolution, and to divide on that alone."

That clearly shows what, in Sir Philip

Lord John Manners

Francis' opinion, was the true principle of any scheme of Parliamentary Reform. Mr. Grey appears to have taken that advice, for in the Bill which he moved for leave to introduce in that year, after describing the provisions which related to the several constituencies and the redistribution of seats, he proceeded to explain his views on the franchise. The report in the *Hansard* of that day is very meagre, but Mr. Grey said—

"He should propose that the remaining 400 Members should be returned by one description of persons, which were householders."—[See *Hansard, Parl. History*, xxxiii. 649.]

There is no doubt that the description given by Sir Philip Francis in the fourth resolution is the same which Mr. Grey afterwards proposed—that a householder paying parochial rates should enjoy the franchise. Persons who are now called compound-householders did not exist in those days. The proposal of Mr. Grey to confer the franchise on householders paying parochial rates is consequently the principle embodied in the Bill under discussion, which meets with such violent condemnation and opposition from the right hon. Gentleman. Therefore, when he appeals to Liberal Members and assumes to lead them in a great crusade against this particular proposal of our measure, I beg leave to remind him that our provision for the borough franchise is precisely the one which in old days the real fathers of Reform contended for, and is, as the hon. and learned Gentleman (Mr. Roebuck) said on a former occasion, a clear, definite, intelligible, and justifiable principle on which the extension of the franchise can really be justified and sustained. If the right hon. Gentleman is so convinced that the compound-householder should be permitted to vote, though he does not personally pay his rate, and does not pay his full rate, why has he never made any attempt to remove the restriction where it is felt most galling—namely, in the election of guardians of the poor and of local Boards? It cannot be denied that many of the poorer householders take more interest in the election of the guardians of the poor and of local Boards than of Members of Parliament, and yet the right hon. Gentleman has never before discovered that they have anything to complain of. A case of transcendent injustice is therefore endeavoured to be set up, but which the people do not see, though they are quite alive to the attempt of the

right hon. Gentleman to magnify this agitation against the carrying of this measure. If we couple with the speech we have just heard the famous letter to the privileged Member for the City of London (Mr. Crawford), there can be no doubt the object of the right hon. Gentleman, in taking the line he has to-night, is to defeat this measure. To throw the whole question back into that state of confusion out of which by most patient endeavours—by most conciliatory conduct on both sides of the House, the House is gradually and with great difficulty, and without the least assistance from the right hon. Gentleman, anxiously, though slowly, emerging. Sure I am that if the House perseveres in its magnanimous resolve, if it continues to discuss these questions one by one as they arise with an anxious desire to yield on both sides on minor points of detail, but steadily keeping in view the cardinal principle which was ratified by the majority of the House on the 12th of April, we shall at no distant day find our labours rewarded by the passing not only of a large and liberal, but, in my conscience, I believe as safe a Constitutional measure of Reform as was ever submitted to the free Legislature of the freest country in the world. On the other hand, if it should happen that by the conflicting and antagonistic arguments and declamations of the right hon. Gentleman we permit ourselves to be dissuaded from the course of action which, happily, we have chalked out for ourselves—if we now reverse our policy, and instead of adhering to the safe Constitutional principle of the personal payment of rates by householders, say it shall not be the exclusive principle of this measure, but that it shall be broken in upon, impaired, and marred by the intrusion of those who do not personally pay the full rates, then the right hon. Gentleman will indeed have gained a triumph over his political opponents, and over the House of Commons. But although he may succeed in retarding the settlement of the question, in my conscience I believe the country will not ratify the conduct of the right hon. Gentleman, or that of the House, which will then have failed in its duty, and will not have sustained the calm, deliberate, and magnanimous course which on a former occasion it so wisely and beneficially adopted.

Mr. MARSH said, that a man with a small house was allowed to pay lower rates, by means of his landlord, partly on

account of his poverty and partly because of the expense of collecting it. It was difficult enough for the landlord to get his rent, but when he had to pay the rate as well he was allowed a deduction. It would be most unjust on the parishes and overseers to make them collect the smaller rate and have all the trouble they had before the compounding system was introduced. The result would be parishes would get rid of compounding altogether. Then would follow household suffrage pure and simple. With the lodger franchise they might as well go to manhood suffrage at once. The only question was whether the compounder should pay the full or only the compound rate. He thought when the compound-householder got precisely the same privileges as other ratepayers, he should pay the full rates. If only half the rate had to be paid the worst class would be sure to get on the register. Pot-house politicians, trade unionists, and those who were subject to the electioneering agents, would place their names upon the register while quieter and more respectable persons would not. But it would be a different story when the full rate was required. By the other system towns with 10,000 inhabitants might become little better than rotten boroughs. What was to prevent a man who looked to Parliamentary influence from buying up 200 or 300 cottages, which would yield him 10 per cent if he had only half rates to pay? It was the duty of the House to put every impediment in the way of such a transaction. Unless the whole rate were insisted upon there would be a great deal of that kind of thing going on.

Mr. GREENE said, that he had been challenged in a most extraordinary manner by the right hon. Gentleman (Mr. Gladstone). It was not usual for Members of that House to be called up for saying "Hear!" or "No!" He should not have responded to that call if it had come from any one of less considerable position than the right hon. Gentleman. But he was glad the right hon. Gentleman did call on him, for his answer just proved what they desired to establish, the necessity for the personal payment of full rates. Upon this question he stood as independently as any one in that House. On the question of two years' residence he had walked out of the House without voting because he did not agree with the Government. They had before them a simple and plain question. He was in the habit of deal-

[Committee—Clause 3.]

ing with questions on their merits, therefore he looked to the speech of the right hon. Gentleman (Mr. Gladstone) with considerable interest; but he confessed he became so mystified thereby, that all he could do was to walk out of the House and consider whether he stood upon his head or his heels. In that House he had been taught that black was not always black, or white always white, but that black might be white on one occasion, and white black on another. Had they waited for Reform till he proposed it, they never would have had it. But the House being pledged to Reform, and the country desiring it, he did not see why, the residuum of the working men, as the hon. Member (Mr. Bright) called it, being allowed to sink to the bottom, the intelligent working man should not be allowed to claim what hon. Gentlemen opposite said he had a right to. It was said they were insulting the working man by putting on him so much trouble in order to obtain the franchise. But if a man would not submit to so small a trouble in order to possess the elective franchise, he could not esteem it very highly. If the Chancellor of the Exchequer had not made this a vital point, he need no longer have looked to him for support. He would rather vote for household suffrage than for the establishment of an arbitrary line. The right hon. Gentleman (Mr. Gladstone) talked of forbearance. But he had shown none in that House, and he was now making the greatest mistake he had ever committed. Personal payment of rates could be no hardship. Opposition to that principle could be regarded only as factious opposition, and it would be defeated to-night. He could not understand the policy of the Opposition in opposing the clause, but he was glad a division was to be taken upon it, because he believed the Government would win, not by one length but by two. Should the division go against the Government, he hoped the Government would make it a vital point and appeal to the country. If they did not he would not support them again on this subject. The common sense of the country would certainly support the Government if an appeal were made. The question was whether the Reform League was to govern England or whether the middle class were to have a voice in the Government or not. Hon. Members opposite talked a great deal about bribery, and he was

Mr. Green

willing to grant that they (the Opposition) knew more about this subject than did the Members of the Conservative party. It was well known that the opposition to this clause was a factious one—["No!"]—and he warned them to withdraw in time. If he was the leader of a party he would certainly not take them out to battle when he knew there was a certainty that they would run their heads against a brick wall. The hon. Member (Mr. Bright) had lost caste in the country, and he strongly urged him and the right hon. Gentleman (Mr. Gladstone) to endeavour to retrieve their lost position by withdrawing their opposition in time. The hon. Member was very fond of giving advice. But if he advised the right hon. Gentleman to take his stand on this question, he never made a greater mistake in his life. He respected men who came to household suffrage fairly, and faced it boldly as the hon. Member (Mr. Hibbert) had done. But he could not understand men who advocated household suffrage out of doors and then made a stand for a £5 line in the House. Their reason, however, was plain. "If," said they, "the Conservatives carry this Bill, what will become of us?" It mattered little. The Opposition had had an admirable innings. Did it think that none but its chiefs were to govern the country? The Opposition had had, as it was, far too long a stay in office, and if it had stayed longer its Members would, like the brethren of old, have fallen out by the way. They might dispense with all further opposition, for he promised them that whether the division were taken to-night or to-morrow they would be handsomely defeated.

Mr. WHITBREAD said, that the last speaker and those who preceded him had spoken of the opposition as factious and conceived with a view to reject the Bill; but he challenged them to point to a time in political history when an Opposition with a majority had exercised as much forbearance as the present Opposition had shown to the present Government. As the Bill was not the Opposition's, clauses could be withdrawn and concessions could be made only by the Government. Last year the case was the same, and concessions were then made by the Government of that time. If there were any hope of coming to a reasonable settlement the Opposition would now be willing to accept rating, although it would prefer no mention of rating in any Reform

Bill. But there were points in which it would be impossible for them not to insist for the purpose of rendering that a satisfactory settlement of the Reform question. With reference to the compound-householder, it had been admitted that he paid the full rate. If so, why should he not at once be admitted to the possession of the franchise? It was said that between the parties there was only a small matter of difference; and then it was asked, why not concede the point to the Ministerial side of the House? The answer was, "Why not concede it to the Opposition?" The Ministerialists admitted that the tenants paid the full rates. This was acceded to by the Chancellor of the Exchequer. They also said that it was not necessary for the tenant to pay the rate with his own hand. That he might pay through his wife, or child, or servant, or any other agent, provided only that the agent should not be his landlord. Was this a point on which to divide? Suppose the Government clause were carried, the hon. Member argued that no injustice would accrue to any one. But take the case of a landlord who had twenty houses for which he now compounded. Assume that the full rate in each case was 20s., and that 25 per cent was struck off on composition. Suppose, then, that ten of the houses were inhabited by men who wished to come on the register. They would have to pay, not the 15s. paid by the landlord, but 20s., which sum they would recover from the landlord. Well, here was a difference of 50s., which he would defy the Chancellor of the Exchequer to say was not a fine somewhere. The 25 per cent reduction on the full rate was given to the compounding landlord as a bonus for his trouble and risk, and if the fine fell upon the landlord, he would surely get rid of it by putting it upon the shoulders of the tenant in the end. It was a pity the Amendments of the Chancellor of the Exchequer had not been before the country for a few weeks instead of a few days only. If the matter had not been made to assume its present shape with what he must call unseemly haste, the House would have heard of the woes of the landlord. Were the Government quite sure that if this clause were carried, and a large number of compound-tenants got upon the rate book, the compound system would not be invalidated? If they were for a crusade against the compound system let them unfurl their

standard, and show what they meant, and not abolish the system by a side-wind. A good deal of money had been lent on security of the poor rates. The lenders might not like the security of payment by the tenants so well as payment by the landlords. If it was now admitted the compound-occupier paid the full rate, why not treat him as if he had paid the full rate? They knew why this was not done. It was intended to limit the number to be placed on the register. But should the effect be to limit the number, were the excluded tenants likely to approve of the exclusion? If they kept out the compounders now they would agitate for admission hereafter. He said to the Government, "Don't strain what you call the principle of your Bill too far." The right hon. Gentleman (Mr. Lowe) told them last Session there was no principle in a £7 line. "Once," said he, "leave the £10 line and there is no halting place till you get to the bottom." Little did he think how soon the bottom would be reached. When the right hon. Gentleman announced that there was no principle in a £7 line, he set one of the best laid traps that was ever laid for the Conservative party, and advanced household suffrage thirty or forty years at least. Let the House remember what great advances the question of household suffrage had made since it was first mooted by the late Attorney General (Sir Roundell Palmer). A hard and fast line was objected to; yet a hard and fast line of £10 had served the purposes of the country for thirty-five years. Could an equal vitality be anticipated for the present scheme? Why was not £5 or £7 as good a line as £10? The present Bill came down to household suffrage, coupled with personal payment of rates. Depend upon it they would soon see household suffrage running alone. What would the people care about a principle which limited the admission to the franchise? The Government might think they had found a principle; but the people never asked for a principle. The people were content with the extension of the line so as to admit those who had been a little below it to join with those a little above them in the rank of householders. The safest plan of extending the suffrage was that of Earl Russell—a gradual lowering of the £10 line. There must be some provision for the metropolis in the shape of a lodger franchise. He (Mr. Whitbread) was prepared to extend

the line to household suffrage; but he was not prepared to subject the incomers to terms less advantageous than those who now enjoyed the franchise. He asked the Government to consider the infinitesimal difference between the two sides of the House. He would like to see something tangible to show to their constituents. He wanted to settle the question. He did not wish merely to pass the Bill. Let the Government abandon the personal payment, prohibiting the landlord from acting as agent to the tenant in paying the rate. Then he saw nothing to wreck the Bill in future. At the recent meeting in Hyde Park the Government had been humbled. The people were first warned, then threatened, subsequently entreated. The meeting was held, and the danger passed. They had their warning. What he wanted them to do was not, like Pharaoh, to "harden their hearts lest a worse thing came upon them." Let them not suppose that household suffrage was "the worst that could come upon them." If, on being defeated on the present question, they abandoned the Bill, let them not think that the extremity was reached. It might be so far as household suffrage was concerned; but there was another part of the Bill, of which the House had hitherto heard almost nothing, but which was by no means the smallest half, considering it in reference to the existing political interests of the country.

Mr. KENDALL said, the hon. Member who had just sat down, and the right hon. Gentleman (Mr. Gladstone), talked much of their own concessions, and made light of any on the part of the Government. But what was the testimony on that point of one of the safest and most respectable Members of the House, the hon. Gentleman (Mr. Hibbert), who moved the Amendment? He said, that Government had yielded a great deal. That they had yielded a great deal more than he expected. That a little more yielding would make the Bill on this point perfect. Was it fair, then, to say that the Government had yielded nothing? The hon. Member (Mr. Greene) declared that things had been so mystified he hardly knew whether he stood on his head or his heels. He by no means admitted that he was himself in a similar frame of mind; but he greatly desired to bring back the attention of the House to the simple issue before it. Originally, Her Majesty's Government thought of making compound-

Mr. Whitbread

householders pay their rates in full, getting what remedy they could from their landlords. This it was said would amount to a fine. Her Majesty's Government, on thinking the matter over, believed that such would be the case. Accordingly, what was done? They simply said, "Whatever the householder pays he shall be entitled to recover; and so the fine shall be done away with." But what was the next move of the Opposition? "Oh," they said, "that arrangement won't work at all; it simply shifts the fine upon the landlord." And so they set to work and made out a great case, actually alleging that money was borrowed on the faith of this system of compounding. Well, if capital were borrowed in that way, he could only say it was a speculation, and a poor one. There was no obligation on the man who owned a number of houses to compound. The wording of the local Acts was always permissive. The man who availed himself of the power given did so as a speculation. But now it was said, "If you interfere with the speculator, he will become a loser; he will have to pay 17s., perhaps, where before he only paid 15s." Why should he not? He speculated, and it was in his power to do what most men were unable to do, to terminate his speculation when he liked. In what manner were his gains acquired? He gained to the loss of his neighbour, who was obliged to pay part of his rates for him. There are some Gentlemen who never can be induced to look at plain facts. It may not be their fault. Perhaps they cannot help it. There are Gentlemen, for instance, on the other side of the House, who never can be induced to admit that two and two make four. They will beat about the bush, and say that two and two *plus* eight *minus* six was equal to four. He liked simplicity. Two and two made four, and there was no getting out of it. Where all this sympathy for compound householders and their landlords came from he was at a loss to conceive. Some eight or nine years ago inquiries were made into the value of house property of different kinds. It was found that the owners of small tenements made more interest upon their money by nearly double the amount more than those of any other species of house property. The ingenuity of the right hon. Gentleman (Mr. Gladstone) was wasted in creating sympathy for these persons. They did not need it, being well

able to take care of themselves. He never trespassed long upon the attention of the House, but he always tried to bring it back to common sense. The right hon. Gentleman had done his best to mystify the subject. He had done his best to unmystify it. Having done that, and thanking hon. Members for their kindness in listening to one who was much more frequently a listener than a speaker, he would now sit down.

Mr. FAWCETT said, the argument of the hon. and learned Gentleman (Mr. Brett), that opposition to the present Motion amounted to a direct attack on a vital principle of the Bill, could not be maintained, since the Government had conceded the principle of the lodger franchise. They must all admire the candour with which the Chancellor of the Exchequer confessed that he had been convinced by the arguments of the leaders of the Opposition that the compound-householder paid full rates. But that admission placed in a strong light the signal injustice of disfranchising a man because he paid his rates not to the parochial authorities, but to his landlord. In considering this subject, it seemed to him that there was a fundamental fallacy which vitiated the reasoning of many hon. Gentlemen opposite. They seemed to treat this compounding as if it provided the House with a principle of moral selection, which enabled them to sift the good voter from the bad, the intelligent from the unintelligent, and the provident from the improvident. If it did this he would be one of the first to say let no compounder have a vote. But, clearing the subject from all technicalities, and looking at it from a common-sense point of view, what was this compounding? It was an arrangement adopted not for the advantage or profit of any particular class, but simply for the convenience of a ratepaying people. A ratepaying community found it was expensive and difficult to collect rates upon a great number of the small tenements, and they said to the owners of these small houses, "If you will make yourself responsible for the rates and pay them to us in a lump sum, we shall be saved the expense and trouble of collecting them, and you, on the other hand, will derive some compensation, because you shall pay a reduced rate." This being so, how could they treat it almost as a crime, and say that if any community, for its own convenience and the advantage of the town, choose to

adopt this system of compounding, all the tenants who were compounders should be liable to all kinds of vexatious trouble and great expense of time before they could exercise their rights as citizens? The strongest argument that could be advanced against the scheme of the Chancellor of the Exchequer was this:—He had himself admitted that if they compelled the compound-householder before he could get a vote to pay the whole of the full rate and deduct it from the landlord, a fine was imposed upon the landlord. But although this fine was, in the first instance, imposed upon the landlord, he (Mr. Fawcett) believed that it would be by him practically shifted upon the compound-householder. Suppose a landlord had two houses, for which he charged £12 each, the full rate being £8, and the composition £6. In each case he would receive a net rent of £9. But suppose one of his tenants, being an enthusiastic politician, chose to be personally rated. The landlord in that case would only receive £8 for the house. Consequently, the landlord would be fined to the extent of £1. But it was not to be supposed that he would consent to bear the fine. He would turn out the tenant who was anxious to exercise the right of voting, unless the tenant was also willing to make up the loss sustained by the landlord. The evil went beyond this, for there were boroughs in England, like Huddersfield, in which nearly the whole of the property was owned by one proprietor. If in such a case the landlord were sincerely anxious not to see the franchise extended, it would be in his power to refuse to have any tenant who would not remain a compounder. The hon. Member (Mr. Hibbert) had said that he should like to see the system of compound-householders swept away entirely. If, however, the system was so bad, let it be dealt with in a straightforward manner, for nothing was more mischievous than to attack a bad system in a roundabout manner, and, because it was bad, to attach certain onerous restrictions to it. He did not feel so enthusiastic as to the results of the division as some appeared to do. If the Government carried their point on this head, he was convinced that before the expiration of a year there would be great agitation in the country on the subject. Though not fond of agitation, he would be ready to begin it. He was sincerely anxious to have the question of Reform settled, and, Radical as he was, he should

be glad to see it settled by the present Government. He had given some proofs that this was his real and genuine feeling. Some weeks ago he did his best to prevent a Motion being brought forward, although supported by the Leader of the party he belonged to, which would have prevented the Bill from going into Committee. For this he had endured opposition, and been called a renegade. He hoped hon. Members would not be afraid of being charged with inconsistency on this question of Reform, for they must all by necessity be inconsistent in regard to it. He had always been in favour of pure and simple household suffrage. He had voted last Session, and also in the present, for something different, because he knew that he should impede the settlement of Reform if he perversely voted against every proposal which did not exactly coincide with his own individual opinions. In like manner, if the Government would propose a £10 county franchise, he would, though in favour of an £8 county franchise, be ready, for the purpose of getting the question settled, to vote for a £10 franchise. The fear of accusations of inconsistency needed not to haunt the right hon. Gentlemen on the Ministerial side if they could only succeed in settling this question of Reform on principles which would appear just and equitable to the country.

Mr. GOLDNEY said, some very extraordinary arguments and speeches had been delivered. Some of the speeches they had heard seemed to be against Reform altogether. Others were strongly in favour of it. By some the tenants were said to be a most vicious, ill-behaved, desperate set of people. On the other hand, the landlords were declared to be a grasping race of men, intent on racking their tenants and on placing all sorts of obstacles in the way of their getting the franchise. Her Majesty's Government had frequently been asked upon what principle they proceeded in this measure; but the object of the Bill was simple enough—it was to give a residential rating franchise. The principle of the Bill was a residential franchise. The object of personal rating was to secure what he presumed all Members of that House desired to secure—namely, a distinction between good men and bad. The Government proposed that a man should show his fitness for the franchise by paying his rate. It showed the very great power which the landlord had over the compound-householder, that under the existing law, the

man who claimed to vote must be rated. Under Sir William Clay's Act, it was sufficient if the landlord paid the rate for the rated occupier. But if the landlord thought it right for some reason or other not to pay the rate the occupier was deprived of his vote. The object of the proposal of the Chancellor of the Exchequer was to render every occupier who wished to exercise the franchise independent of his landlord and of every one else. Hon. Gentlemen stood up in the House and asserted that if the compound-householder paid his rate direct the landlord would advance the rent. The principle of political economy was against that proposition. The law of demand and supply was against it. A house would not bring more rent than it was worth. The hon. and learned Member (Mr. Roebuck) had put the case properly when he said that if a man was rated and paid his rate, the parish officers and his fellow-citizens generally would know it. He could not understand how those Gentlemen who for many years had been leading the working men and declaring that the working men were fitted to have the franchise, could now stand up and say that those same persons would not pay their rates in order to secure the franchise, and that the whole work of qualifying them would be done by electioneering agents. If that were so, such men were not of the class whom he should wish to see admitted to the franchise. But Gentlemen who argued in that way took too low an estimate of human nature. He did not think that House should proceed on the assumption that the working classes could be dealt with like serfs or like the wooden soldiers in a child's game. The principle embodied in the Chancellor of the Exchequer's proposal was clear and defined. It was this—"However small the rate charged on a man's house may be, let him show that he is prepared to pay it. No particular figure is required. All that Parliament wants is that a man should not only be willing to take his franchise but also to perform the other duties of citizenship." The compound-householder was not known at the time the Municipal Act was under discussion. The principle of that measure was that the franchise was to be enjoyed by the resident rated occupiers. In 1834 and 1835 Gentlemen who at present sat on the Opposition side were willing to trust their fellow-men. Now they declined to do so. The argument had been put forward that the Reform Act of

1832 ought to be altered, because it excluded a class who were now entitled to exercise the franchise. But the Gentlemen who put forward that argument at once proceeded to demolish it. Were they prepared to go to the country and say this Bill ought to be rejected, because they did not believe that those whom it sought to enfranchise were honest enough to pay their rates? Supposing a landlord had ten, twenty, thirty, or forty houses for which he compounded, how was the world to know that the particular tenant of any one of them paid his rate? The House could not go into the relations between landlord and tenant in this country, though they were attempting to do so in the case of Ireland. The principle of the Bill was to take the fact of any man having resided in a particular house for twelve months as *prima facie* evidence of his right to vote. But in order to obtain evidence of his willingness to perform the duties of citizenship the duty was imposed upon him of seeing himself placed on the rate book, and of bearing in common with the other ratepayers his share of the burdens of his parish. Believing that this principle was a sound one, he should give it his support.

Mr. J. B. SMITH said, there was a great distinction between the compound ratepayer and the personal ratepayer, and he thought the principle of requiring personal payment a sound one. But even if this was not so under ordinary circumstances, in the present instance Parliament was about to confer the franchise on persons who had never enjoyed it before, and therefore it had a right to prescribe the terms on which that franchise was to be granted. The House had decided that all occupiers below £10 should enjoy the franchise on condition of their personal payment of rates. Then came the question of the compound-householders above £10. They were not a very numerous body. Of the 94,000 at which they were estimated, only 27,000 had claimed to be put on the register. It was for the sake of those 27,000 that all this noise was being made, and that the safety of the Bill was to be endangered. In illustration of the system of compounding he would take the case of Birmingham. Forty years ago a private local Act was passed which compelled landlords instead of tenants to be rated for all houses up to those for which the rating was £12. Upon all houses rated up to £5 the compound allowance made to the landlord was 66½ per cent.

Upon houses from £5 to £8 it was 50 per cent. Upon houses from £8 to £12 it was 33 per cent. Now, that system appeared to him to be something like parish robbery. Those compound-householders who paid their rates through their landlords felt no interest in the municipal concerns of the borough. They had no municipal votes. In his borough (Stockport) there were no compound-householders. Every man paid the full rates, and there was nothing like the system of making every man pay his full rates. Every householder being obliged to pay his full rates was entitled to vote. The lowest class of householders under those circumstances constituted the best police against the spread of pauperism that could well be imagined. They were acquainted with those who were the idle and profligate in the town, and if they saw that such men were receiving parish relief they regarded them somewhat in the light of plunderers, living upon the industry of men who were no better able to pay rates than themselves. Every fortnight a list was published of those who were in the receipt of parish relief, and the consequence was that the paupers excused for non-payment of rates were reduced to so low a point that upwards of 90 per cent of the whole rates were collected. He had seen the clerk to the guardians a few days before, and he had told him that such had been the effect of the system during the last year in preventing pauperism that the rate levied for the relief of the poor of the borough amounted to only 1s. in the pound for the whole year. To insist that a man should pay his own rates was therefore superior to the system of compound rating. Every direct payer of rates had an interest in his parish, while compound ratepayers performed no civic duties. [An hon. MEMBER: What is the rating in Birmingham?] He could not exactly say; but he believed it was 4s. 6d. in the pound combined with other rates. A very interesting Return would, he thought, be a statement of the proportion of the rates raised in compound boroughs and those in which the occupiers of houses themselves paid the entire rate. He had no doubt that in Birmingham, at all events, 90 per cent of the rate was not recovered, so large was the premium paid to the compounders landlord there. It was contended by the hon. Members for Westminster and Brighton (Mr. Stuart Mill and Mr. Fawcett) that if the proposal of the Government were agreed to the landlords would be

sure to raise the rent of the compound-householders whose position it would affect. His answer was, that with houses as with everything else, "the worth of a thing is what it will bring." The landlords could not get any rents they pleased. They could not get for their houses more than they were really worth. When the hon. Member for Westminster further argued that a new species of bribery would be introduced, in the shape of payment of the tenant's rates for him, it was fair to point out that a voter open to a bribe of this character would no doubt be open to a bribe of any other description. The argument, therefore, as against the proposal of the Government, fell to the ground. Since he had had the honour of a seat in that House he had seen no less than six Reform Bills introduced, and he was therefore one of that very numerous body who held that the time had arrived when the interests of the country required the settlement of the question. He knew very well that a large number of hon. Gentlemen on the Ministerial side had made great sacrifices of opinion for the sake of such a settlement, and he was bound to say that he did not think these sacrifices had been received in that generous spirit which they deserved. He looked upon the Bill of the Government as a fair measure, and he would be no party to any factious opposition to its passing into law. The best way of disposing of the question of compound rating would be, so far as he could see, to abolish it altogether, and the next best to adopt the plan which the Government proposed, and he was prepared to support either one or the other of these plans.

MR. LOWE: The borough franchise is but a part of this great question. We have been engaged for nearly three months on the discussion of little else. Yet to-night is the first occasion on which we have been able to look at it as a whole. The changes in the plan of the Government have been so numerous, so many schemes have been brought forward by them and withdrawn, that it is only now that their proposals assume anything like a permanent shape, or that we can deal with them with anything like certainty that we have them really before us. I agree with the hon. and learned Gentleman (Mr. Brett) that we are about practically to pronounce an opinion upon the propriety of the principle of personal rating. But I maintain that it is only at

this stage of our proceedings that we have this principle traced out and developed so that we can arrive at a really sound decision upon it. It has been by a slow and tortuous process and step by step that the scheme of the Government has taken its present complete form. And what is that scheme? One would have supposed that nothing could be more self-evident than that in fixing on the particular attributes of individuals or a class that should entitle them to the franchise the Government would have fixed on something permanent, and altogether independent of the caprices of individual will, or the contingencies of fortune and circumstances—that when seeking to build up a fabric for all posterity they would at least take care to lay its foundations in the solid rock. So far, however, from the foundations of the present scheme being thus laid, they are not even worthy of the forethought of the fool who builds on the sand. It is like building on the sea, because that on which this measure is based fluctuates every month, and every week, nay, almost every hour. The franchise which we are asked to confer is one which it will depend on the caprice of the parochial officer either to give or take away; upon the disposition of individual owners of large masses of small kinds of property; upon the organization of local bodies; upon any thing, in fact, except the permanent and stable conditions of our society. Let us look at the measure closely. There are some things in it which it is impossible to explain logically, and I do not think any man can point out on what clear or definite principles the proposal of the Government proceeds. It is to be explained only historically, and if the Committee will lend me their attention for a few moments I will endeavour to give them that explanation. I believe the Government intended to introduce a very democratic measure so far as the lowering of the franchise is concerned—that is to say, they intended that every man who pays rates should have a vote. They originally, however, endeavoured to modify such a proposal by safeguards. They believed in that in which nobody but themselves believed—the dual vote, and in the residential clause, with regard to which it pleases them now to say that they were beaten, but which Lord Derby virtually gave up before the discussion on it was taken, which was apparently carried on to satisfy some weak consciences. [*A laugh.*]

Mr. J. B. Smith

I am strengthened in my conviction on this point by the revelations with which we have been favoured as to what took place in the Cabinet which turned mainly on those safeguards and their efficiency. After what we have heard from the noble Lord (Viscount Cranbourne) and others, it appears to me to be clear that the object of the Government was originally to rest their Bill on a rating franchise. Being aware that such a proposal went very far, they sought to modify it by the two safeguards—duality and residence. They seemed in the first instance to fancy that they could include all householders who paid rates if they could have these safeguards on which they relied. Both having been abandoned, the rating franchise began to wear in their eyes a different aspect from that which it had previously assumed. They then found that the word “personal” in the scheme became of great importance, and it was not, I believe, until within a very few weeks that they had any idea of the part which the compound-householder was destined to play in the matter. We know how the measure was prepared. We know how the Government was formed, and that its Members took no trouble to agree on a common plan of action on the subject of Reform. Lord Derby and the Chancellor of the Exchequer might have some definite views with respect to it as early as October; but the rest of the Cabinet remained in ignorance of those views, and nothing was done until Parliament met. When Parliament did assemble in what an utter state of unconsciousness did the Chancellor of the Exchequer address the House on the question. The only definite statement he made, and that certainly was not true, was that the House had agreed to a rating franchise pure and simple. We know how a Bill was then adopted after a very few minutes’ consideration by the Government, how it was withdrawn, and how another was introduced, until at last we find ourselves at the present stage. It is, under these circumstances, neither uncharitable nor unfair to say that the right hon. Gentleman framed this measure without attaching its due importance to the question of the compound-householder, and that the part he was likely to play in the matter came on the Government as a surprise—a surprise not altogether disagreeable, because they then saw that they might be able so to manipulate the Bill as to take away virtually by

means of the compound-householder that which they appeared to concede as a rating household franchise. No candid man could conceive that a Ministry, knowing how the compound-householders were influenced by the parochial body, knowing that it was in the power of that body to establish or destroy them, could base a measure of Reform upon such a principle. I feel satisfied that those who support this measure are not supporting a really well-considered measure, all the consequences of which were foreseen. They are supporting one that is the result of a series of expedients and a succession of afterthoughts, landing us in anomalies so gross that they never would for one moment have been assented to if they could have been foreseen. What is the question we have to decide? The question we have to decide is really, what ought to be the principle on which this Bill is founded. [“No!”] That is the question which I beg to submit to the House. What is the principle of the Bill? We are told that its principle is that the people who bear public burdens should have the privilege of the franchise. That was the principle with which the Chancellor of the Exchequer launched his measure. He said, “We take the ratepayers because they are the bearers of public burdens.” It soon appeared that that principle would not do for the purpose of the right hon. Gentleman, because there is no doubt that in some degree at least these compound-householders bear public burdens. So it became necessary to qualify and get rid of that principle and affirm its very contrary—namely, that people might bear these burdens and pay rates, and yet not have the franchise. That was the first upset, if I may so call it, to the principle of the right hon. Gentleman. It is admitted by the right hon. Gentleman now, and no one can seriously deny it, that these compound-householders do really pay the whole amount of the rates. The public do not receive it, but the compound-householders pay it. As the principle was that the payment was a proof of respectability, it seems to me that they come just as fairly within the scope of the Bill as anybody else. Taking the test of bearing public burdens they fairly satisfy it. What, then, should be the logical inference, according to his own principle, from the admission which the right hon. Gentleman made the other night? That we ought to invent some circuitous means by which these men might

get put upon the register? No; the logical result is that they ought to be put upon the register at once, because they come under the principle of his Bill, they pay the rate, and they bear public burdens. I do not see, then, upon his principle, what occasion there is for all this circuitousness in the matter. The truth is that finding it inconvenient to carry out the principle he had laid down, the right hon. Gentleman refined upon it. Instead of standing on the broad distinction of whether men pay rates or not, he fixed upon a mere adventitious circumstance. Not upon the question whether he does or does not pay the rate, but upon what manner and by what hand he pays it. That is the same as if you were to say that a man pays a debt when he goes to a shop himself and gives the tradesman the money, but that if he sends his servant with it it is no payment at all! I will say this for the franchise, that whatever it is founded upon, it should be upon something real and substantial. You should look at the essence and not at the form. If you fix upon the form and neglect the essence, you are merely trifling with the subject and laying the basis of future agitation. Look at your principle, again, in another aspect. You say that though the compound-householders pay just as much as other ratepayers, they are to be refused the franchise because they do not with their own hands, but by their landlords, pay the rates. The principle is so strict and unbending that it will not yield to that little extent. Yet the right hon. Gentleman tells us he is ready to admit the lodger, who pays no rate at all and bears no public burden whatever. Another inconsistency in which your principle lands you is that it is so rigid that it will not allow even a private agreement between persons for the payment of the rate. Yet it is so pliable that it admits lodgers who, I repeat, bear no public burdens of any sort or kind. But let us go a little further. We have to consider, in the next place, the practical result of this measure. Under it I think there cannot be a doubt that something must come out of the landlord's pocket, and for this simple reason. It is quite clear that the public gets something more if the rate is paid directly than if it is paid for the compound-householder by his landlord. The public gets either a quarter or a half more than it did before. But it does not come out of the pocket of the compound-householder who is put upon the register because he is

to be recouped by his landlord. Then, out of whose pockets does it come? Out of the landlord's, of course. Thus, the effect of it is that you give the franchise or pretend to give it to a number of persons, and then make it the interest of the landlord, who has the power to do so, to withhold that franchise. That is the state of things which you create. You bestow a thing upon a certain class of men, and then you give to another class, who are armed with the power, a motive for taking it away from them. It may be right that these persons should not have the franchise. I do not enter into that dispute at all. But if you refuse it them, you ought to do it plainly and directly, and not profess to confer it on them while making it the interest of those who have power over them to take it away again. Surely that is not the way to settle anything, but only to increase vexation and annoyance. Instead of enabling us to take our farewell of this question—as we all hope to do for some time to come—it will only keep it alive in an irritating and most offensive form. Looking, then, at this matter, without reference to any pre-conceived opinion of my own, but as a piece of political mechanism, and assuming that it is desirable to give a wide extension of the suffrage, I ask whether this is the right way to do it? I say it cannot be right that it should depend on so many contingencies, and that it should be so various in different places, and under different circumstances. Moreover, it cannot be right, as will necessarily be the effect of this measure, to give the franchise in all those small towns where the Small Tenements Act is not in force to a very dependent and very poor class of persons, and to keep it in all the large towns where that Act is in operation from a more independent part of your population, which takes more interest in politics, and which is now urging its demand for this privilege. It cannot be right to turn every parish vestry into an arena of the bitterest strife, contention, and political intrigue, and instead of offering the franchise as a boon coming straight from the hand of the Legislature, making its possession to depend entirely upon the particular parish, or even upon the particular side of the street in which a man may happen to live. If hon. Gentlemen will look at the matter calmly and coolly—and I feel myself in a position to look at it in that manner—I think they will see that this is not a foundation on which they can

rest a change that will be satisfactory to any one. Hon. Gentlemen say, and I can well believe with truth, that they are making enormous sacrifices. Then let them make those sacrifices so as to secure that for which they are made. If we are to depart from our old principles and to give power to persons just in proportion, or nearly so, as they are poor and dependent, let us effect a settlement that will satisfy somebody. We must all, I suppose, wish to satisfy the classes whom we are going to enfranchise. Will this measure satisfy them? Is it possible that it will, hedged in as it is with such capricious conditions and contingencies? I feel how much I may have disqualified myself in the eyes of hon. Gentlemen by the frank expression of my opinions, from offering them advice, and that it may be vain for me to give them counsel which I know to be sincere, and which I believe to be for the best. But I beg hon. Gentlemen to think the matter over, and see if it is possible, as I believe it would be quite possible, to hit upon some scheme that will fairly carry out their aim, and be free from the objections which I have stated. There is the scheme suggested by the hon. Member (Mr. Poulett Scrope), which proposes to find an intermediate class, who though they do not receive parochial relief themselves, are often excused from paying towards it on the ground of poverty. You could thus fix on some limit of rating that you might think proper, and give the suffrage to all above and withhold it from all below it. You could give to that poorer class of householders that which in their position they would think more desirable than the franchise—namely, an immunity from the payment of any rates. The wish to obtain the franchise would be met by the wish to be exempted from an impost. The one wish would counteract the other. When you reached that point you would reach that which may naturally and without violence determine your limit for the franchise. That, however, is only a specimen of how you might proceed in attaining your object. But if you go on in the spirit in which you are now doing, if because of the mistakes that were made originally, and because you find that parts of the scheme on which you relied must be given up, you will try to build upon this fragile and worthless foundation, I see before us nothing but renewed discontent and agitation, and every evil from which you wish to escape.

MR. BRIGHT: Sir, I shall not entertain or weary the House with any blame or commendation of the Acts under which landlords compound for their rates. We have heard a good deal upon that subject, and my hon. Friend near me has been particularly strong upon it. I am willing to accept the fact that in 170 boroughs in England and Wales, the practice of compounding extends more or less throughout them. I agree with the right hon. Gentleman (Mr. Gladstone) that it is something in favour of that system that under a permissive Act not fewer than 5,000 parishes in England and Wales have adopted that system. I am unwilling rudely, without knowing enough of it, to condemn it for the purpose of excusing a measure which, taken in connection with that system, I hold to be one of the most extraordinary, one of the most unequal, and one of the most unjust that ever was offered to an English House of Commons by any Ministry. [*Laughter.*] Gentlemen must remember, whether they sit on that side of the House or on this side, that this is a very serious question that we are discussing; and that, considering the mistakes you made last year, you may at least be a little modest, and at any rate fairly consider the arguments which may be offered against your present views. Will the House follow me just a little on this one point? The Chancellor of the Exchequer has said, in answer to questions from Scotch Members, that in the Scotch Bill the franchise will be so arranged that it will be practically household suffrage throughout the boroughs of Scotland. The only exception will be that the franchise will not be extended to persons under £4 rental and when the rates are not paid by the occupiers. I think the occupiers are not rated in any way below £4, but above £4 to every person who pays his rates the franchise will be given.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Gentleman will allow me to correct an error, because it may affect his argument. I do not otherwise care for it. I did not say anything of the kind.

MR. BRIGHT: I did not intend to say that the right hon. Gentleman said that. I only meant to say that he proposed to extend to Scotland what he calls the principles of this Bill. It was a mere explanatory fact of my own, that in Scotland the occupier is not rated below £4. Therefore, I take it for granted, on his own principle, that the franchise in Scot-

land will begin at £4, and that it will be given to every occupier at and above that rent who pays his rate. We shall have by-and-by a Bill introduced for Ireland. There has been no promise given, I think, with regard to that as to the mode in which the franchise will be arranged. But Irish Members tell me that in Ireland to the point of £4 rating the rates are paid by the landlord, and that above £4, half the rate is paid by the landlord and half by the tenant as in Scotland. In England there are twenty-nine boroughs that will be practically in about the same position, and in which the franchise will be very largely extended. So we have the principle of this Bill applying, I presume—but of this I am not sure—to Ireland, but certainly to Scotland, and certainly to twenty-nine boroughs in England, without the enormous and most unfortunate limitations which this same Bill will apply to 170 other boroughs in England and Wales. I do not believe the right hon. Gentleman or his Government would have proposed this plan if they had known when it was first thought of that this result would be attained. I am inclined to agree with the right hon. Gentleman (Mr. Lowe) that this is a misfortune attending their Bill which the right hon. Gentleman the Chancellor of the Exchequer probably wishes did not exist to so great an extent as it is now found to do. I have maintained from the beginning of these discussions that there is no real difficulty in accommodating this matter, and being equally just to all boroughs. It seems to me something like a pedantic perverseness by which the right hon. Gentleman, for he appears to be the Government, stands. I believe he would not have made this proposal if he had seen the Return which the Secretary to the Treasury obtained some time ago. He must know as well as any man in this House that it is utterly incapable of defence, and that it never can subsist for a single Parliament as it now is. Understand me. I am not now pleading for any particular point to which you should extend the suffrage; I am pleading only for equality and fairness in this matter. Notwithstanding what my hon. Friend said, Parliament has no right and cannot even exercise the power, without injury to itself and the country, of passing a Bill guilty of such enormous inequalities and injustice. ["Oh!"] If any hon. Gentleman says there is no inequality, let him stand up and show it. The remedy

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is simple and very easy. That remedy to a very large extent will be found in the Amendment of this clause which has been proposed by my hon. Friend (Mr. Hibbert). The words which the Chancellor of the Exchequer proposes to introduce are objected to because they will prevent the subsequent adoption of that Amendment. We are really on those words discussing that Amendment as if it were before us now. There are twenty-nine boroughs in England and Wales which you treat under this Bill with great liberality. There are 170 boroughs which you treat with niggardliness and with an injustice which will be found to be intolerable. It is not statesmanlike or right on the part of the House so to treat them. If you adopt the proposal of the hon. Member, I will tell you what will follow. This would follow. If you took population for population in the twenty-nine boroughs and in the 170 boroughs, you would find that the number of electors that would ultimately come upon the roll in the 170 boroughs would not vary more than 3 per cent from the number that will come upon the roll by this Bill in the twenty-nine boroughs. If it can be shown that the proposal would so balance the whole case that the justice you are now dealing out to the twenty-nine boroughs would be equally dealt out with a variation of not more than 3 per cent to the 170 other boroughs, I ask the House whether it is not worth while, at this late hour of the discussion of this question, when you wish to settle a matter which has disturbed you for many years, to accede to the proposal, and to make the Bill what we all know it ought to be, but which we all know under the present plan it will not be—a just and final settlement of this question. Hon. Gentlemen opposite know that I have sometimes given them a little advice. Now, I shall not give them any advice to-night. Still, I may make one or two remarks to them which may not be without force. I think I have shown that reason demands some change in the proposal of the Government. Hon. Gentlemen have advanced so far that that terrible spectre household suffrage has no longer any terrors for them. Hon. Gentlemen from Scotland can regard it advancing upon that kingdom without fear, and English Members on that side of the House have now learned that after all it is not a thing greatly to be dreaded. The change that has come over you is more remarkable than any I have witnessed

since I have had a seat in this House. I admire it—but you will forgive me if I wonder at it. But having made that change, what I want you to do is to carry it out into action, so that at least you may not have made the sacrifices of this Session for nothing. If I turn to the Bench below me, I presume that many of the Gentlemen who sit at this end of the House have changed somewhat also. They have advanced. I am told, and believe it, that Earl Russell has for many years had the belief that household suffrage was a wise foundation for the franchise. I believe that all those or nearly all those who have been accustomed in past times to follow his standard, are quite willing now to assist hon. Gentlemen opposite in establishing that basis in the boroughs. If the House is unanimous for household suffrage, why should we not act upon that conviction? If reason be for it, I think I can show the House that the laws of the country are no less for it. I mean for the change that is proposed by the hon. Gentleman behind me. I shall not say a word about fines, or about who pays the rates, nor shall I go into any of those details, which, however much they may be explained, will still leave something confused in the minds of many Members. The Reform Act of 1832 enacted that all householders of £10 and upwards should be enfranchised, but the mode with regard to the compound-householder was ineffective. He was required to claim, I believe, for every rate, certainly for every year, and he was required by the decisions of the revising barrister to pay the full rate. The result was this—that the compound-householder gained nothing from the passing of the Reform Act, and compound-householders from the time of passing that Act to the passing of Sir William Clay's Act have been no more enfranchised than if it had never passed. The Small Tenements Act, about which so much has been said, adopted a rational principle to secure the franchise to the compound-householders at municipal elections. But there is one thing which it did not do, and I call the particular attention of the Chancellor of the Exchequer and of the Gentlemen who have discussed this matter in regard to these Acts to the circumstance. There is an Act of great importance which has not been mentioned during these discussions. The Small Tenements Act secured only the rights of the municipal voters, and left the freemen and scot and lot voters, whose franchises were reserved by

the Reform Act, absolutely disfranchised. A Bill was introduced into this House for the purpose of restoring their rights. After the Reform Act the scot and lot voters had their franchises continued. But when the Small Tenements Act was passed it disfranchised virtually all those residing in houses under £6, and this Act was passed to restore their franchise. It is the 14 & 15 *Vict. c. 39*—

“An Act to exempt Burgesses and Freemen in certain Cases from the Operation of an Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements.”

The sole purpose of this Act was to replace on the register the ancient voters whose votes were preserved by the Reform Act but virtually destroyed by the Small Tenements Act. It says that—

“Where any Person to whom a Right of voting was retained or reserved by the recited Provisions of the said Act of the Second and Third Years of King *William the Fourth* is or shall be the Occupier of any such Tenement as in the said Act of the last Session of Parliament mentioned, and the Owner of such Tenement has been or shall be rated to the Relief of the Poor instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such Tenement, or such Occupier shall have tendered the Amount thereof in the Manner prescribed by such Act, such Occupier shall be entitled, not only to the Municipal Privileges and Franchises reserved to him by such Act, but also to all such Right of voting at Elections of a Member or Members to serve in Parliament for any City or Borough, and all other Rights and Privileges, as such Occupier would have been entitled to under the recited Provisions of the said Act of the Second and Third Years of King *William the Fourth*, and the other Provisions of such Act, and any Acts amending the same, relating to the Right of voting so retained or reserved, if such Occupier had been himself rated in respect of such Tenement, and had duly paid or tendered the Rate or Rates to which he was liable in consequence of such Rating.”

Therefore, in 1851 the House of Commons passed a Bill restoring the franchise to the voters whose rights were preserved by the Reform Act but destroyed by the Small Tenements Act. That is important to show the principle on which the House has acted on more than one occasion in reference to this matter. If we want further proof it will be found in the Act, the 3rd section of which the right hon. Gentleman the Chancellor of the Exchequer proposes to repeal. In 1851 Sir William Clay's Act was passed—and I beg to call the attention of the hon. and learned Gentleman (Mr. Brett) to the misstatement he has made. He was not in Parliament at that time, and unless he has looked into Parliamentary history he

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knows, I believe, nothing about it. Not a single thing said by him respecting it is correct. I was in the House at the time and concerned in passing the Bill. Sir William Page Wood—now Vice Chancellor Wood—at my request drew that very clause with the consent of Lord John Russell, and placed it in the Bill. So clear was the judgment of the House in regard to that matter that there was only one person in the House that made opposition to it. That opposition came from the late Mr. Spooner, the Member for North Warwickshire, and it passed without a division. It was in the respect I have mentioned an entire confirmation of the Reform Act, and showed the fixed resolution of the House with regard to this matter. The compound-householder is, as the Chancellor of the Exchequer told us, as good a man as the householder who has not compounded. The House acted upon that principle and decided that his franchise should be equally sacred and secure. Some persons speak of the Small Tenements Act as if it were passed to relieve the householders who compound. It was not passed with that view. The Small Tenements Act and Rating Act, by which compounding takes place, are Acts introduced into several parishes, not by the instrumentality of the poorest, but by the instrumentality of the richest persons in those parishes. If the compound householder has any convenience and advantage out of them, he shares that convenience and advantage with all the rest of the ratepayers of the parish. The hon. Member (Mr. J. B. Smith) spoke of Birmingham and of Stockport. I know that Stockport twice in my time was on the verge of actual bankruptcy. Once owing to the results of the events in connection with the American War. Once in 1839 and 1840, when we had a very bad harvest and a very stringent Corn Law. But during all the time over which these two periods extend, no one can point to Birmingham as a place that was not above the average of well doing amongst all the industrial and manufacturing populations of the kingdom. The hon. Gentleman says that we ought to pay less poor rates. If we were discussing the question of the amount of the poor rate, and of the relief of the poor, the observation would be pertinent. But it is not pertinent in the discussion of this matter. The people of Birmingham have a right to claim the same just treatment that they are willing to give to the inhabitants of Stockport or Sheffield. If I

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were willing to follow Ministers in any proposal they may make, I should be ashamed of myself. I hope the hour, if it should ever come, when I may defend a measure like this, so unjust to the great majority of the towns of England and Wales, may be the last when I may stand before the Parliament of this country. Let me remind the House that if I speak of Birmingham with regard to this matter, it is because I am necessarily more familiar with the circumstances of that town. But the same argument might be used with the same effect almost throughout the 170 boroughs to which this Act applies. What is it they have done? The Birmingham Guardians Act was passed in 1828 by the rich people of the parish. It was passed for the objects and purposes of the parish. It was not an indulgence to the people. It was not a penalty inflicted upon them. But what are you about to do in supporting the measure of the Chancellor of the Exchequer? You are about to inflict a penalty upon them. You are about to exclude them practically. I do not think any Gentleman who reflects a moment will contest what I say. The Chancellor of the Exchequer will not contest it. You are about to exclude practically 36,000 male occupiers in Birmingham, from the accident that they happen to live in a town where forty years ago their forefathers thought it desirable to establish a plan for the payment of rates which has been since sanctioned almost universally by Parliament, and which is now in practice in 5,000 parishes of England and Wales. Does any man deny that you are practically under this Bill excluding them? [Mr. J. HARDY: I deny it.] An hon. Member, who is the brother of a Cabinet Minister, denies it. If you are not practically excluding them, why do not you fairly admit them? Why do you object to the Amendment of my hon. Friend (Mr. Hibbert). Do not you know that his Amendment to a large extent would admit them, and that by objecting to his Amendment you are to a large extent excluding them? The hon. Member evidently does not know where he is going. Hearing his interruption reminds me that the hon. Gentleman was down at Wakefield at a banquet. [An hon. MEMBER: At Derby.] At Derby, a place equally appropriate, and the hon. Gentleman was asked to speak to the toast of the House of Commons, and what did he say? He said he wished the managers of the feast had

given him something he could understand—for example, the Army and Navy, or Bishops and Clergy of the Diocese. He said if he had to speak to these toasts, he would have known where he was; but having given him the toast of the House of Commons, he really did not know what he was doing or where he was going, for the House was upon a track which he did not understand. The hon. Gentleman must therefore be a little tolerant with me if I am trying to make him understand it. I must ask one more question of the House, and that will be in a sentence. I ask why, in inflicting this general disfranchisement upon the occupiers in the town of Birmingham and in 170 boroughs, because rating and compounding Acts exist in those boroughs, you inflict upon men the very penalty that you now inflict upon crime and upon bribery. I ask the House frankly, is it nothing in a free country to deny a man a rightful vote for a Member of Parliament? [An hon. MEMBER of the Opposition: It is not a right.] Then what are you doing sitting there?—and what are the pretences of this Bill? In the town of Sheffield—and the hon. and learned Gentleman (Mr. Roebuck) who represents that borough if I am wrong in what I am going to say will contradict me, because he is always ready to contradict any one—when he thinks they are wrong I ought to add—I say that in that intelligent town which that hon. and learned Gentleman represents along with his Colleague (Mr. Hadfield), there are 28,000 householders, not a bit wiser, not a bit richer, not a bit more schooled, not a bit more political, and not a bit more disposed to law and order than those of Birmingham, who are to be received by this Bill with open arms, while men in that and other towns are to be excluded. In spite of this hon. Gentlemen opposite say, in answer to me when I contend that there is great inequality and injustice in this, that there is nothing of the kind. I say that as regards Birmingham, which is as good as Sheffield—and I do not say, or pretend to say or think, that it is a bit better—this Bill is so arranged that it will not include 36,000 householders who live in that town. [Mr. ROEBUCK was understood to dissent.] The hon. and learned Gentleman makes an observation. [Mr. ROEBUCK: Indeed I did not.] I thought the hon. and learned Gentleman said—[Mr. ROEBUCK: I said nothing.] I thought an hon. Member said they might be included

if they paid their rates. Perfectly true. But there are accidents in all these municipal, corporate, and national arrangements—arrangements which it may be advantageous to have in some places and not in others, and for which the persons living under them are not now responsible. But if the Government were a fair Government on this question—if it were determined to treat honestly and frankly the House, and what is still more important, honestly and frankly the great bulk of the people of this country who have asked for Reform, it would have attempted some arrangement by which the franchise they propose to give should be given as freely and as fully in the town of Birmingham as it is in the town of Sheffield and the twenty-nine other boroughs to which I have referred. If any one has an answer to that I should like to hear it. The hon. Member (Mr. J. B. Smith), in speaking of the Amendment, treated as of very small consequence the number of persons who had been enfranchised under Sir William Clays' Bill. I venture to tell the House that all the persons who have been enfranchised under that Act have been enfranchised by the 3rd clause, which the right hon. Gentleman proposes to repeal. It is not proveable that 1,000 men in the whole country—probably not 100—ever placed themselves on the electoral roll under the system of repeated claims. I am now speaking of boroughs or of the claim which is indicated by that Act. The way which men have come upon the roll of that Act is perfectly well known. When it passed I sat in the House as Member for Manchester. My friends there, understanding the Act, applied to the different overseers, and showed that it was their duty to place the names of all occupiers upon the rate book. Being upon the rate book the composition sum by the clause of that Act was made equal to the whole sum for the purposes of enfranchisement. 4,000 names passed regularly on the electoral roll, and thus they were enfranchised. My hon. Friend the Member for Brighton (Mr. Fawcett) could explain how it was done there. The persons concerned went round and obtained the names of 1,000 persons who were off the list. They recommended and urged the overseers to put them on the rate book; they passed naturally on the list of electors, and have been there ever since. What has been the general effect according to the Returns of the Government? There are 94,000 compound-householders

above the value of £10, and of those 25,000 have found their way on the register. The reason that more have not found their way is this. The overseers have neglected their duty. The existence of the law has not been well known, and therefore the law has not been fairly carried out. I have seen hon. Gentlemen opposite stickle to the very last for the smallest right of property or the smallest privilege. Is there any man in this House now who is willing, and will recommend, that that clause should be repealed, and that the register of 94,000 householders above £10 should, by one vote of this House this night, be effectually destroyed? The whole number of electors who, by the Bill of the right hon. Gentleman, according to the speech of the President of the Poor Law Board, will immediately come on the register is only 118,000. Yet, by this clause of the Bill, he is going to destroy the present existing rights. ["No!"] If the hon. Member will listen, I will show him how it is. He will say that the householder is offered another mode by which he may enfranchise himself; but it is a mode he does not ask you to give him. He has a mode which is sufficient for him. You offer him a much more rugged and steep path by which, in all probability, he will never reach the franchise. The right hon. Gentleman, in the audacious proposal which he makes to repeal that clause, is striking at the electoral rights which Parliament has guaranteed to not less than 94,000 occupiers above the £10 value. ["No!"] This may be the last time hon. Gentlemen will have an opportunity of discussing this point, and although I am ashamed to be speaking at this hour of the night (twenty minutes past eleven), I think they will see the question is worth fairly considering. The right hon. Gentleman says he will save the existing rights of the 25,000 now on the register. But if any one of these changes his residence—if he goes from one borough to another—he must necessarily lose his franchise. The preservation of the right in the way he suggests is a matter absolutely impossible by this Bill. May I give the House one fact with regard to the way in which this question of the franchise is sometimes treated by overseers of the poor—and it affects the question closely? Within the last month, in the town of Birmingham, the 4,000 electors put on the register under Sir William Clay's Act, and who have been on the register

fifteen years, have been omitted from that register and disfranchised solely by the action of the overseers. Surely that is a matter of some consequence. Any scheme which gives into the hands of parochial authorities, and takes out of the hands of Parliament the disposition of the franchise, must be a scheme fraught with every kind of evil. I have stated what appears to me to be the essential malady and evil of the Bill. Hon. Gentlemen opposite well know that ever since the time came when this Bill went into Committee, I have been most anxious that on this question of the borough franchise we should clear the Bill of this great inequality. I think if we did that we should bring this important and most difficult of all questions to a final and a satisfactory settlement. Hon. Gentlemen opposite are in a peculiar position with regard to this question. Some of them have said—even the Chancellor of the Exchequer said at the beginning of the Session—that the Government and its party were in a condition of some kind of humiliation. I will not regard it as humiliation. I will assume what I may fairly assume with regard probably to the great majority of you, that in the course which you have taken this Session you have been actuated by motives of the most honourable kind with regard to this Bill. If any man taunts you with a change from last year, and tells you you did it from unworthy motives, I hope hereafter you may be able to say that you were the means of passing a great and a just Bill. If there were temporarily any kind of humiliation attaching to it, at least you have a noble compensation in having done a great service to the country. Every one says, "Let us now, once for all, settle this difficult question." There are a million of voices out of doors who also ask you to settle this question. Now is the time. Last year you might have had a settlement of a more moderate character, and of a duration that would have lasted during the Parliamentary life of any Gentleman opposite. You refused it. I told you what would come if you refused it, and it has come. I now ask you to do that which you are professing to do, but which you refuse to do, and that is to make your Bill equal and just to all the boroughs of the country. If you refuse, what will happen? What will happen with this question of Reform in the 170 boroughs—aye, and in the twenty-nine boroughs, and in the Scotch boroughs?—

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for if any Members for those boroughs think little of the 170 who are left out, depend upon it that the voters of the boroughs which are let in will not forget their brethren in the boroughs which are excluded. Next year and the year after, and until this matter is adjusted, the whole question of the suffrage and of Parliamentary Reform will be discussed as it has been recently discussed, and all the questions which men do not now think of may come up in a continued discussion of a great question like this. The right hon. Gentleman the Chancellor of the Exchequer is afraid what you (the Ministerial side) would say if he were to make this measure equal and just. But he knows as well as I do that in taking the course he does that he is subjecting you to further agitation, and subjecting the great question of democratic representation to a constant movement throughout the country. This matter may be decided either for the Government or for my hon. Friend (Mr. Hibbert). Whichever way it is decided, however, if this Bill passes, the question of Parliamentary Reform, and particularly that of the extension of the borough franchise, will have received an impetus and attained a position from which it will not be dislodged. There is no doubt of that. But I am anxious now, once for all, that Parliament should act wisely, and equally, and justly. If this Bill had been brought in equal and just, you would, I believe, have supported it with that unanimity which distinguishes your present action. But you would have had the consolation of knowing that when you had voted it, and it had become an Act of the Imperial Legislature, that then we should have heard no more of this question for ever. There is a longing throughout the nation for the passing of a good and real Bill. There has not been during the Session one petition in favour of this Bill. There has not been one public meeting at which the provisions of this Bill have been received with approbation. I say you are mistaken in legislating in this manner. I have authority for speaking for a large number of those out of doors who ask for Reform. If I have not, no man has. I see and lament with a grief I cannot express, not that you are not making a more democratic measure—though your measure is not so democratic as your Leader would agree to. I am probably more democratic in principle, but not so democratic in action as your Leader. But I am not complaining that you are not acting in a manner suffi-

ciently democratic, but that you are not acting in the spirit of equality and fairness. Though anything I may say to you may be utterly useless on this occasion, as it has oftentimes been in the past, yet I venture at this late hour to appeal to the honourable and just feeling of the House that in dealing with millions of people on a subject which deeply touches their hearts, you should at least deal with them in a manner which they will feel to be equal and just.

MR. ROEBUCK: I should not, Sir, at this late hour have ventured to address the Committee had I not been so pointedly referred to by the hon. Gentleman (Mr. Bright). Sir, I have often heard, and I believe the saying to be true, that professed tellers of stories often tell them so constantly and so vehemently that at last they believe in the figments of their own imagination. That is exactly the case with the hon. Member. Pointing to me, and expatiating on the vast difference between the town that he represents and that which I represent, he says, "In one town you are disfranchising 36,000 people, and in the other you are enfranchising 26,000," and he wants to know the reason for that difference. I will put a very plain and simple statement before the Committee, and will ask them as to the truth of that assertion. I will suppose a town, having a street on both sides of which are houses of exactly the same description. On one side I will suppose there are uncompounded houses, and on the other compounded ones. No. 1 in the uncompounded row is taken, say, by John Smith, at £5 a year, and he pays £1 rates. No. 1 on the opposite side of the street is taken by John Brown at £5 a year. What will occur, he being a compounder? There are, if he pays the rates fully, 20s. to be paid. It is clear upon the principles of political economy that houses similarly situated, and of exactly the same description, will let for the same money. Very well, the compounded house is compounded for 15s. The right hon. Gentleman (Mr. Gladstone) told me he had an answer to the argument I used before. His first answer was that the compounder paid the full rate in his rent. To-night he fled from that proposition. I pin him to it; he shall not escape from it. The 15s. is the compounded rate. The landlord pays that. Thus 5s. is taken from the whole rent and goes to the landlord for the risk and trouble he incurs. What do you think he will do? He turns round on the man and says, "John

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Smith has the house on the other side of the road, for which he pays in reality £6 a year. I do not see anything in your case to allow you to have a house paying only £5 15s. Therefore you must pay me £6 too." That is the natural state of things at present. What will occur if this Bill pass? John Brown sends in his statement by post to the proper officer, that he intends to be a voter. What next occurs? The landlord no longer pays the rate for the tenant—the tenant pays the 20s. for himself, and there the thing rests. I want to know how that can be got out of. Under these circumstances, it is true that you enfranchise 26,000 in Sheffield, and disfranchise 36,000 in Birmingham. The whole thing is a farce. It is a part of that stump oratory which anybody who goes about telling people that they are dealt unjustly with will always find people ready to listen to, more especially if he has the peculiar art which I always admire in the hon. Member (Mr. Bright). The right hon. Gentleman (Mr. Gladstone)—I think I see him in his place fast asleep—argues that the most terrible effect is likely to follow if this Amendment is negatived. But he made a speech against the whole Bill. That, too, was done by the right hon. and gallant Gentleman (General Peel), by the hon. Member (Mr. Stuart Mill), and by the right hon. Gentleman (Mr. Lowe). All their speeches were against the whole Bill. Where, then, can be the great mischief of negativing this proposal? We shall but leave the Bill in that state of horrible mischief which it now occupies. There can be no doubt the whole country is sick and tired of this discussion. When the hon. Member (Mr. Bright) tells me there is great excitement out of doors, I deny it altogether. Sir, I recollect the discussions and the excitement of 1830 and 1831. Is there anything like that now? Have I received one word or one letter from Sheffield. Not one. They got up a meeting there, it is true; but not one respectable inhabitant of that town went to it. Go through society, and every man you meet says the same thing. "We are sick of it, Sir!" say the shopkeepers of London. "We are tired of these discussions and of these fantastic objections made for purposes we all understand, though under the poor pretence of serving the country." The thing is so palpable—so clear, that even the verbose declamation of the right hon. Gentleman (Mr. Gladstone) cannot obscure it. The right hon. Gentleman twitted me with some

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change of opinion in Sheffield concerning myself. [Mr. GLADSTONE: When?] This evening. I was rather surprised at such an allusion coming from that quarter, with the example of Oxford fresh in our memories. Again, when the hon. Member (Mr. Bright) twitted me with the altered state of feeling in Sheffield, I should have thought that he would have recollected Manchester. Sir, I would ask both the right hon. Gentleman and the hon. Member whether they consider that the constituencies that differed from them on those occasions were in the right? If they do, I wish them joy of having found fault with me for differing, as they say I do, from my constituency.

MR. J. HARDY said, that as the hon. Member (Mr. Bright) had alluded to him rather personally, as the brother of a Cabinet Minister, he thought he had a right to explain matters. He had merely interrupted the hon. Member by calling "No!" when the hon. Member said that they were going to disfranchise so many thousands of persons. This interruption he thought necessary, the fact being that under the Bill any householder, compound or not, who chose to enfranchise himself might do so. As to the speech he had made in the country, the hon. Member had merely quoted one passage from it without reference to the context. At that time no one could tell which way the Reform Bill was going. Not that he liked either way. He then paraphrased a saying of Sir George Lewis, that life would be very tolerable but for its pleasures, and said that the House of Commons would be a very tolerable place but for its politics, bad ones being in the ascendant. He must apologize for sometimes calling "No!" when the hon. Member spoke, but a person might perhaps be excused who so rarely troubled the House by addressing it. The hon. Gentleman seemed to remember what he had said. He in turn sometimes remembered the language of the hon. Gentleman. The hon. Member now favours household suffrage. In 1859 he was in the Birmingham Town Hall and heard the hon. Member begin a speech by saying, "Men of Birmingham—if I can call you men who have not the franchise." What did that mean if it did not point to universal suffrage? On that occasion, the respectable men of Birmingham could not be present. They would not attend, because the meeting would not hear one word said by any opponents. The hon. Member (Mr. T. D. Acland) was at that

time a candidate against the hon. Member as an electro-plate Liberal. Few men could help saying "No" sometimes when the hon. Member (Mr. Bright) spoke. For example, the hon. Member said that Members on the Ministerial side of the House were afraid of the mob. He thought that those persons were afraid of the mob who were always flattering the mob. The hon. Member also said that Members on the Ministerial side of the House were afraid of saying things to his face which they said behind his back. On a previous occasion he had given the hon. Member good advice. He now repeated it. The hon. Member had a bad habit of leaving the House after he had spoken. He should stop and listen to what others had to say in reply, and then what would be said against him would be said to his face.

Mr. HEADLAM: I feel it due to myself, to the constituency I represent, and to the Committee, that I should state clearly the grounds on which my vote will be given. The hon. Member (Mr. Hibbert), in a speech of great taste and delicacy, stated that this was not a party question. I wish I could consider it not as a party question. But whether it is so or not, my course is clear. I cannot, after the part I have taken in this matter, have any other alternative than to give my vote for Her Majesty's Government. I have been a Member of this House for no short period. I represent a constituency inferior to none, so far as the working classes are concerned. There is none which contains a larger proportion of what may be called the *élite* of the working classes. The language I have used for the extension of the suffrage has been uniform and consistent from the first. It has been this. That I would make no distinction between the rich and the poor, or as between the working classes and the other classes. That I would give a vote to every man who made himself truly, really, and substantially a citizen of the place in which he resided. That language has been uniformly accepted by my constituency. In addressing them last year I said—

"The rule I have laid down is, that I would give a vote to every man who has a true and substantial interest in the welfare of the town in which he lives. I agree with the late Lord Durham, and with the principles of the Municipal Bill of 1836, which made rating and residence a qualification for every man. To that extent I am prepared to go, and I should not have the slightest objection to confer a vote on every man who pays rates in respect of his residence."

At the time I used this language I had

not the slightest reason to know that the Government would have adopted this view, or would have brought in any measure of Reform whatever. When I now find that the responsible Ministers of the Crown come forward and make the very proposal which I had myself recommended, and make it even in the very language I used, I should be a craven and a coward if I were to shrink for one moment from avowing the sentiments I entertain. I should forfeit not only my own self-respect, but should hereafter have no right to expect others to place confidence in any opinion I expressed, or place reliance on any principle I laid down as a guide for my own conduct. It is necessarily painful to me to adopt the course I am about to take. But there are occasions in the life of every man when he has to choose between his clear duty and the ties of party. No man feels more strongly than I do the obligations of party; but, at the same time, my duty leads me to the course I take. And now, before I sit down, let me make one remark to my hon. Friend (Mr. Bright) who has just addressed the House. I cannot help thinking that his views on the subject of the borough franchise have been distorted by the very special and peculiar circumstances of the town of Birmingham. His theory is that every man who pays a rent of a certain amount—I believe about 2s. 6d. a week—for his house should be deemed a fit and proper man in all respects for the franchise, and should, without any effort on his part, or the fulfilment of any duty, be placed upon the Parliamentary register; but that every man whose rent should fall below that amount and pay only, say, 2s. 3d. a week, should be deemed one of the residuum of society and be not entitled to the franchise. Now, I have no hesitation in saying that this theory is totally opposed to the feelings of the working classes, and that, on the other hand, the theory of giving a vote to every man who resides in a borough for a certain time and pays his rates, is infinitely more acceptable and intelligible to them. I am quite aware that eloquent and ingenious men may make difficulties and objections to this latter theory of the franchise, or, indeed, to any other proposal; but my opinion is that it is rather our duty to seek to diminish than to exaggerate these difficulties, and it is because I think that the scheme of Her Majesty's Government is sound in principle that I, for one, shall give my vote in opposition to the Motion.

[Committee—Clause 3.]

THE CHANCELLOR OF THE EXCHEQUER: Sir, it will not appear unreasonable on my part, having proposed the insertion of the words upon which we are about to divide, to make a few remarks on some of the speeches of hon. Gentlemen who have preceded me. It was alleged not only by the hon. Member (Mr. W. E. Forster), but by other hon. Members, that there was some ambiguity in the language of the Bill, and especially in the clause relating to compound-householders, which would admit of a conclusion different from that professed by the Government. It appeared to me necessary, when so much controversy was taking place on the subject of compound-householders, and when so many Amendments were either proposed or suggested, that the question should be put before the House, before we came to a decision, in language which could not be mistaken, so that the House might not be at the trouble of discussing the question and arriving at a conclusion, and then find that we had come to a result which none of us contemplated. It was for this reason that I brought forward the amended clauses which dealt largely and completely with the question of compound-householders, and that I placed on the table the Amendment upon which we are now called to divide. That Amendment contains the expression "ordinary occupier." Our meaning in using that phrase was this:—We wished the House, in considering this question, to be under no misapprehension, but to understand clearly that the borough franchise should be conferred upon an individual rated to the relief of the poor and personally paying his rates. About the expression "ordinary occupier" we thought there could be no mistake. To insure that we placed on the table at the same time the enlarged clause respecting the compound-householder with which the Committee is now familiar. Sir, after having heard the prolonged discussion with which we have been favoured, we retain the opinion as strongly as ever that the right principle upon which the borough franchise should be founded is that of personal payment of rates, accompanied, of course, with adequate residence.

The right hon. Gentleman (Mr. Lowe), who this evening made one of his usual attacks upon the Government, appears to have completely misunderstood the whole principle of the measure. He

Mr. Headlam

said, "You come forward, and in the most distinct manner you lay down this proposition, that the borough franchise should be conferred upon those who contribute to the public funds." I deny the correctness of that statement. No doubt, contributions to the public funds is an element, and an important element, in the construction of a Parliamentary franchise; but I deny that we ever laid down that it is the chief element. It is quite possible that the payment of public burdens might be coincident with a position in society which would not qualify a person for the exercise of the franchise. What I said was, that the principle of the Bill was this. That this public function should be conferred on those who fulfil public duties. It is not merely contributing to the public funds, but bearing public burdens which cannot be borne without the fulfilment of a public duty, and being placed in a position of life which admits of the performance of the duties of citizenship, which qualify for the exercise of this function. The whole argument therefore of the right hon. Gentleman, founded on the assumption that we are about to confer the franchise on those who merely contribute to the public burdens, has no foundation. And that is our answer to those who are pressing the claim of the compound-householder, who does not perform those duties which we consider necessary. It may be, however, that the compound-householder is placed in a position in which he is called upon to perform public duties. We believe that the performance of public duties and the bearing of public burdens, even in the humble position which he occupies, is an excellent preparation for the franchise.

But then, it is said that although we have proposed to establish a borough franchise upon this broad and popular principle, we at the same time have connected it with regulations, the object of which is to prevent many persons from enjoying it. I say, what do you propose in this respect? Are you prepared to admit the whole of the inhabitants of houses in those boroughs—the whole of those compound-householders upon whose grievances you so dilate? Are you prepared to admit them all to the enjoyment of that function. The right hon. Gentleman (Mr. Gladstone) offered us an argument only this very night, founded on the assumption that all the persons not admitted under this Bill

are corrupt. The House might well have been astonished by the argument of the right hon. Gentleman; but the argument of the right hon. Gentleman proving the corruption of the people in boroughs was not half so strong as that of the hon. Member for Westminster (Mr. Stuart Mill.) The whole argument of the hon. Member—which, by the way, was not an argument for Committee at all, or an argument addressed to any clause of the Bill, but an argument against the second reading—was directed in an elaborate manner to prove that the great body of the people in the boroughs of England, especially that portion to whom we do not propose directly to extend the franchise, are corrupt, and that the good Government of the country would be imperilled by their admission. But besides the right hon. Gentleman and the hon. Member there is the hon. Member for Birmingham (Mr. Bright), who has taken the same line of argument. What does the hon. Gentleman mean by that “residuum” which he described in so picturesque a manner? He means that a very great number of persons ought not, in his opinion, to be intrusted with the franchise—a very sensible conclusion, no doubt. But if that be the view of the hon. Gentleman—and he cannot for a moment deny it, whatever he may say to the “men of Birmingham” in their hall—what becomes of his objection to our Bill? We have a plan by which we think we can obtain the best of those who do not at present possess the franchise. We propose that it should be directly given to those who by the performance of public duties prove that they may be intrusted with the possession of this privilege. We offer it also to another class should they really desire it. There are facile means by which such persons can obtain the suffrage. Ours is a plan by which those who are really desirous and, because so, probably worthy, of the franchise may obtain it. But the right hon. Gentleman and the hon. Members all admit more largely than Her Majesty’s Government that great numbers of these people are unfit for the franchise. We have heard a great deal about the corruption of the people of England. If I were to listen to the arguments and accept the conclusions of the great Liberal leaders, I should be ashamed of my countrymen. When you consider the condition of an English constituency nothing can be more preposterous than the conclusions at which

those Gentlemen, and especially the hon. Member (Mr. Stuart Mill), have arrived to-night. In one of our previous discussions I showed to the House that in those boroughs which were to a great extent under the influence of those rating Acts the average number of the constituency could not be less than from 2,300 to 2,500 in each. Conceive the expense which must be incurred in paying rates when you have to deal with a constituency to that amount on the average. What is intended by this statement of corrupting a constituency by paying the rates? I think it may be taken for granted that if a constituent had his rates paid for him he would not look upon it as such a great personal benefit that he would expect nothing more. If he did accept the payment of his rates as a public advantage, he would probably look for something more substantial for himself. It is absurd to suppose that electioneering agents will for years be paying rates to the amount of several thousand pounds in those enlarged constituencies, when, speaking practically, that payment of rates, even with the most corrupt motives, could not for a moment be supposed to secure the allegiance of any of those people. This payment of rates can never be perverted to any great extent as a means of corruption. It can only be made a part of a very large scheme of corruption, and, generally speaking, we know even from our experience in this present Parliament, that any of these long and expensively organized schemes of corruption in boroughs seldom succeed. I cannot believe that these allegations against the purity of our fellow-citizens, and these assumptions of general corruption on the part of those whom we have always been told are so worthy of possessing the franchise, have any substantial foundation.

I wish to say one word upon the position of the compound-householder—if the Committee will hear any further discussion upon that subject. I may be permitted to say, for the observation has not yet been made, that after all the criticism that Her Majesty’s Government have been exposed to for the manner in which they have dealt with the rights of the compound-householder, it will be found that the compound-householder will possess generally a great privilege which he did not before possess. He will be able to deduct from his rent the amount of the rates that he will be called upon to pay

[Committee—Clause 3.]

in order to enjoy the suffrage. I come to the statute of 14 & 15 *Vict.*, Sir William Clay's Act. I have already expressed my opinion upon that Act, and the more I have observed its action and considered its character the more I am satisfied that the opinion I have formed of it is not ill-grounded. I must inform the hon. Member Mr. Bright, who to-night interrupted my hon. and learned Friend (Mr. Brett)—whose experience in this House is of course not so considerable as that of the hon. Member or my own—that my hon. and learned Friend was perfectly right in the statement that he made, and that the hon. Member—who, by the way, I am glad to see in his place—was not at all justified in the observations he made. I will not set up my memory upon the subject against that of the hon. Member, although we were both in the House at the time the occurrence took place. My own impression, however, is that the 3rd clause in Sir William Clay's Act was interpolated in a manner that was highly disapproved by all persons of authority then in this House. If the hon. Member, who conjured up the phantom of Mr. Spooner, who, he alleges, was the only person who protested against the insertion of that clause, will allow me, I will recall the words which both of us must have heard at the time they were uttered. I have the speech of Lord John Russell upon that occasion in my hands, and I will proceed to read what he then said upon this subject. [Mr. BRIGHT: What is the date?] The speech was made in 1851. I know the hon. Member anticipated that I should forget to bring down this speech, but I was prepared for him. Lord John Russell approved of saving the compound-householder from continuously tendering or paying the rate on every fresh rate being made. But on the 3rd clause, which is now a subject of so much consequence and of so much comment, what is his language? Lord John Russell has always been considered a very great authority upon this subject. His authority was once questioned by the hon. Member for Birmingham; but I congratulate Earl Russell upon the deference which that hon. Member has shown for his authority to-night. Lord John Russell, in speaking of the 3rd clause, says—

“I think this is a proposition which goes entirely beyond the Reform Act, and one which would give to the person claiming to vote an advantage greater than that possessed by the person

who paid the full amount of the rates. The proposition before the Committee was designed to put the compound-householder in as good a situation, but not in a better situation, than the person who paid the full amount of rates. I do not think that the Committee ought now to introduce into the Bill a new principle not contemplated when the measure was introduced; and I hope the hon. Gentleman the Member for the Tower Hamlets will not persevere with his Amendment.”—[3 *Hansard*, cxv. 904.]

After that, will the hon. Member say that it was only Mr. Spooner who objected to the clause? Sir, perhaps I ought not to be surprised at the language in which the right hon. Gentleman (Mr. Gladstone) spoke of Sir William Clay's Act to-night, although he expressed himself with that fervid violence of which he is so thoroughly a master. The right hon. Gentleman said that Sir William Clay's Act was the opprobrium of our electoral law. [Mr. GLADSTONE: I did not say so.] Here is the *litera scripta* handed to me. My memorandum not only says “opprobrium,” but that the right hon. Gentleman repeated it. This must have been written by one of my hon. Friends who, in a dream, perhaps, after dinner, may have heard the right hon. Gentleman inaccurately. No one, however, will believe that the right hon. Gentleman spoke in a complimentary manner of Sir William Clay's Act. Yet it is this Act which only three hours ago the right hon. Gentleman was describing thus which he complains we are about to touch in our Bill to amend the representation of the people. I am willing to believe that the Act of Sir William Clay was not annihilated by the language of the right hon. Gentleman, and I only hope that the account that reached me of his having charged those who are sitting on this Bench, and who have the conduct of this Bill with “fraud and dissimulation” is equally inaccurate. I think that that was language we should hardly have expected from any Member of this House. It is severe language for those who are responsible for the conduct of affairs to hear from the lips of a Gentleman who has taken so leading a part in public affairs, and who therefore well knows what the responsibility of conducting those affairs really is. I am bound to say that I understand that the right hon. Gentleman withdrew the words he had used. If the right hon. Gentleman had simply withdrawn the words, they would not have been heard of again from me. But the words were withdrawn in

this way. There was a cry of indignation: whereupon the right hon. Gentleman said, "I withdraw the words, but there has been an adjustment of provisions framed with the appearance of giving an extended franchise, while care has been at the same time taken that the apparent extension shall not be realized." I must say, that I prefer the original invective of the right hon. Gentleman. I prefer the invective of Torquemada to the insinuation of Loyola. I prefer to meet the direct charge of "fraud and dissimulation" to being told in language like that which I have just read to the House that we have been guilty of conduct unworthy, in my opinion, of all public men. But forgetting for a moment expressions which I regret have been used, I wish the House would candidly and dispassionately consider the state of parties upon this subject. The right hon. Gentleman last year brought in his Bill to improve the representation of the people. A considerable period was employed in the discussion of that measure, and after a time it was withdrawn. This year we have endeavoured—under circumstances to which I need not refer, and impelled by reasons to which at this period of the Session it is unnecessary for me to advert—to the best of our ability, with great care and with considerable anxiety, if we possibly could to bring about a solution of this question. To-night will decide whether we have failed or not in our purpose. I wish the House calmly and dispassionately to consider the circumstances of the question, without reference to the position of the right hon. Gentleman and his Friends, or that of the existing Government. The right hon. Gentleman tried last year and failed, and if you decide against us to-night, we shall, after having made an arduous and anxious effort, also have failed. But if this question is ever brought before the country—and it is a question that must sooner or later come before it—in what position will Parliament stand, in what position will the public men who are the choice of England stand in reference to it? There will be no policy to guide them beyond the policy you may reject to-night. The right hon. Gentleman not only failed last year in solving the question, but this year, wise with that experience which defeat and time give, he brought forward a counter proposition against the one we are asking you to consider. The House after deliberation repudiated and rejected

it. Therefore, if by any chance we should in the course of events appear before our constituencies, there will be but one scheme for them to decide upon. ["Oh!"] There is no counter project. If there is a counter project it is one that must be drawn from the halls of Birmingham, where the hon. Gentleman addresses his constituents in a manner so peculiar, of which we have been forcibly reminded this evening. Sir, we are told, when we have brought forward a scheme which we believe to be calculated to meet the difficulties of the case, so far as these Rating Acts are concerned, that those difficulties can be obviated in a manner much more simple by a clause that will at once supersede, rescind, and repeal all those Acts. That is rash counsel. It is difficult to carry a large and extensive measure of Parliamentary Reform. But that difficulty must be infinitely enhanced if we should attempt to carry a measure of Parliamentary Reform which should at the same time deal with all the Rating Acts of England. Such a measure would be one which the united influence of both sides of the House of Commons would find it no easy task to carry. No doubt, if the constituencies of England, so far as the boroughs are concerned, are built upon the principles—the sound principles, in our opinion—which we recommend, the influence of those principles will gradually and quietly make itself felt upon the legislation which now subsists with regard to the rating of our communities. No doubt great changes will occur in that respect. Those changes will also, without doubt, be assisted and advanced by legislation such as we are now recommending to the adoption of the House. But those changes will be adopted as opportunities occur. Their adoption will be the result of the good sense and temperate feeling and conduct which usually characterize our countrymen. Not only will circumstances adapt themselves to the new state of affairs, but results will be brought about which will tend to elevate the character of the English people, to promote in them a greater interest in their own affairs, to teach them wiser habits of administration, and to prove to them that the performance of duties is the soundest principle upon which we can found the enjoyment of rights. In trying, Sir, to place this question clearly before the House, I have been obliged to allude to the failure of those who sit opposite; but I have not

been tempted to do so from any irritable expressions used towards us in the course of the debate this evening. I will assume for the moment that this Motion may not be successful. I put it to the House to consider how critical the state of affairs must be with regard to this important question if that should happen. On my own part, and on the part of the Government, I most sincerely acknowledge to the House of Commons the candour, and kindness even, with which our proposals have been generally considered. We have felt this the more inasmuch as it has been accorded to us by a House in which we have no claim to the sympathy and the allegiance of the majority, and to whom we can only appeal on the ground that a sincere effort to deal successfully with this question ought to be encouraged and supported from whichever side of the House it may come. In spite of the taunts which have been levelled against us, we have endeavoured to prove the sincerity of our sentiments in this respect, by deferring on every legitimate opportunity to the views and feelings of the House, except where we have been asked to abandon the great principle upon which we have declared our Bill to be founded. That principle, we have had reason to believe, from what has been said in the course of the discussion, is not unacceptable to the House, though there may have been some differences among us as to its application. I admit that this question has been introduced to us to-night by the hon. Member (Mr. Hibbert) in that spirit of dignity and self-respect which, in all the discussions on this subject, and in the heat of much party controversy, not of an agreeable nature, have never for a moment deserted him. The views he takes, though they appear to me utterly incompatible with the principles which are the foundation of the Bill, deserve and have received the candid consideration of the House. We have done much to meet the views of the hon. Gentleman. We have done as much as was possible, consistent with the principles of the Bill. I regret, therefore, that the hon. Gentleman has felt it his duty—and I am firmly convinced that nothing but such a conviction could have induced him to take such a course—to ask the opinion of the House upon the question. All I can say of the Government is that we have had no other wish in this business than to bring it to a happy conclusion. That wish has not been the result of any desire to retain

power or acquire reputation. We have at all times been ready to give to the House of Commons in the conduct of this business that influential position which would show to the country that the measure, if passed, was passed by the House, and not by the Government. I again at the last hour commend this question to the consideration of the Committee, and I still venture to express a hope that with the aid of the House, Her Majesty's Government may succeed in conducting this business to a happy and satisfactory solution.

MR. GLADSTONE: Mr. Dodson—I am obliged to trouble the Committee with a few words of explanation because the right hon. Gentleman has thought fit to allude to certain expressions of mine, the most important parts of which, he states, he did not hear, and which, consequently, he has entirely misrepresented. In the first place, I will refer to that portion of the right hon. Gentleman's observations in which he says I stated that Sir William Clay's Act was an opprobrium on present electoral law. Sir, I never said anything of the kind. What I did say was that the condition of the compound-householder was an opprobrium on our present electoral law. Considering as I do that whatever improvement has been effected in the condition of the compound-householder is due to the provisions of Sir William Clay's Act, nothing could have been more incorrect than the interpretation which the right hon. Gentleman has placed upon my words. The right hon. Gentleman then says that I imputed "fraud and dissimulation" to Her Majesty's Government; but that on being interrupted by a cry of indignation I withdrew that charge. Now, Sir, during the three months in which this subject has been discussed, I have never, to my knowledge, censured the conduct of Her Majesty's Government with regard to Reform. I reserved my right as a Member of Parliament to enter upon that question at any time it might appear to me that my duty called upon me to do so; but I have advisedly refrained from adopting such a course, nor did I at any time to-night make any such charge against Her Majesty's Government. I certainly did use the words "fraud and dissimulation" as the first words in a sentence, which the eager apprehensions of some four or five hon. Gentlemen prevented me from concluding. Had I been permitted, in accordance with the usual practice of the

House, to bring the observations I was making to a conclusion it would have appeared that I had no idea of attributing fraud and dissimulation to the Government. I had intended to describe by those words the impression which I believe was likely to be entertained elsewhere, not of the conduct of Her Majesty's Government in particular, but of the House generally, in case we should pursue a certain course. That is a totally different matter from making a charge of fraud and dissimulation. In consequence of the dissatisfaction of the four or five Gentlemen to whom I have alluded—a dissatisfaction which the right hon. Gentleman has magnified into a cry of indignation—after stating that I did not intend to apply the words to Her Majesty's Government, and finding that they still appeared to be sceptical, I said that I would—for the sake of peace and to prevent misunderstanding—withdraw the words altogether. But I never withdrew the words as the withdrawal of a charge, because that charge I neither made nor intended to make.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 322; Noes 256: Majority 66.

AYES.

Adderley, rt. hon. C. B. Bowyer, Sir G.
Akroyd, E. Brett, W. B.
Andover, Viscount Bridges, Sir B. W.
Annersley, hon. Col. H. Bromley, W. D.
Anson, hon. Major Brooks, R.
Archdall, Captain M. Browne, Lord J. T.
Arkwright, R. Bruce, Lord E.
Baggallay, R. Bruce, C.
Bagge, Sir W. Bruce, Sir H. H.
Bagnall, C. Buckley, E.
Bailey, C. Burrell, Sir P.
Bailey, Sir J. R. Butler-Johnstone, H. A.
Baillie, rt. hon. H. J. Campbell, A. H.
Barnett, H. Capper, C.
Barrington, Viscount Cartwright, Colonel
Barrow, W. H. Cave, rt. hon. S.
Barttelot, Colonel Cecil, Lord E. H. B. G.
Bass, A. Chambers, T.
Bass, M. T. Chatterton, rt. hn. H. E.
Bateson, Sir T. Clinton, Lord A. P.
Bathurst, A. A. Clive, Capt. hon. G. W.
Beach, Sir M. H. Cobbold, J. C.
Beach, W. W. B. Cochrane, A. D. R. W. B.
Beecroft, G. S. Cole, hon. H.
Bentinck, G. C. Cole, hon. J. L.
Benyon, R. Conolly, T.
Beresford, Capt. D. W. Cooper, E. H.
Packer- Corrance, F. S.
Bingham, Lord Corry, rt. hon. H. L.
Booth, Sir R. G. Courtenay, Lord
Bourne, Colonel Cox, W. T.
Bowen, J. B. Cubitt, G.

Curzon, Viscount
Dalglish, R.
Dalkeith, Earl of
Dawson, R. P.
Dick, F.
Dickson, Major A. G.
Dillwyn, L. L.
Dimsdale, R.
Disraeli, rt. hon. B.
Doulton, F.
Dowdeswell, W. E.
Du Cane, C.
Duff, R. W.
Duncombe, hn. Admiral
Duncombe, hon. Colonel
Dunkellin, Lord
Dunne, General
Du Pre, C. G.
Dutton, hon. R. H.
Dyke, W. H.
Dyott, Colonel R.
Eaton, H. W.
Eckersley, N.
Edwards, Sir H.
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Ellice, E.
Fane, Lt.-Col. H. H.
Fane, Colonel J. W.
Feilden, J.
Fellowes, E.
Fergusson, Sir J.
Fitzwilliam, hn. C. W. W.
Floyer, J.
Forde, Colonel
Forester, rt. hon. Gen.
Foster, W. O.
Fort, R.
Freshfield, C. K.
Gallwey, Sir W. P.
Galway, Viscount
Garth, R.
Gaselee, Serjeant S.
Gaskell, J. M.
Getty, S. G.
Gilpin, Colonel
Goddard, A. L.
Goldney, G.
Gooch, Sir D.
Goodson, J.
Gore, J. R. O.
Gore, W. R. O.
Gorst, J. E.
Graves, S. R.
Gray, Lieut.-Colonel
Greenall, G.
Greene, E.
Grey, hon. T. de
Griffith, C. D.
Grosvenor, Earl
Grosvenor, Lord R.
Guinness, Sir B. L.
Gurney, rt. hon. R.
Gwyn, H.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, I. T.
Hamilton, Viscount
Hardy, rt. hon. G.
Hardy, J.
Hartley, J.
Hartopp, E. B.
Harvey, R. B.
Harvey, R. J. H.
Hervey, Lord A. H. C.
Hay, Sir J. C. D.
Headlam, rt. hn. T. E.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Henniker-Major, hon. J. M.
Herbert, hon. Col. P.
Hesketh, Sir T. G.
Heygate, Sir F. W.
Hildyard, T. B. T.
Hodgkinson, G.
Hodgson, W. N.
Hogg, Lt.-Col. J. M.
Holford, R. S.
Holmesdale, Viscount
Hood, Sir A. A.
Hornby, W. H.
Horsfall, T. B.
Hotham, Lord
Howes, E.
Huddleston, J. W.
Hunt, G. W.
Innes, A. C.
James, E.
Jervis, Major
Jones, D.
Karslake, Sir J. B.
Karslake, E. K.
Kavanagh, A.
Kekewich, S. T.
Kelk, J.
Kendall, N.
Kennard, R. W.
Ker, D. S.
King, J. K.
King, J. G.
Kinglelake, A. W.
Knight, F. W.
Knightley, Sir R.
Knox, Colonel
Knox, hon. Colonel S.
Lacon, Sir E.
Laing, S.
Laird, J.
Lamont, J.
Langton, W. G.
Lanyon, C.
Leader, N. P.
Lechmere, Sir E. A. H.
Lefroy, A.
Legh, Major C.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, H.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lindsay, Colonel R. L.
Lloyd, Sir T. D.
Lopes, Sir M.
Lowther, Captain
Lowther, J.
MacEvoy, E.
McKenna, J. N.
Mackie, J.
Mackinnon, Capt. L. B.
Mackinnon, W. A.
M'Lagan, P.

McLaren, D.
Mainwaring, T.
Malcolm, J. W.
Manners, rt. hn. Lord J.
Manners, Lord G. J.
Marsh, M. H.
Meller, Colonel
Mitchell, A.
Mitford, W. T.
Montagu, Lord R.
Montgomery, Sir G.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Morris, G.
Morrison, W.
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, Sir J.
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
North, Colonel
Northcote, rt. hn. Sir S. H.
O'Neill, E.
Packe, C. W.
Paget, R. H.
Pakington, rt. hn. Sir J.
Parker, Major W.
Parry, T.
Patten, Colonel W.
Paull, H.
Peel, rt. hon. Sir R.
Peel, rt. hon. General
Peel, J.
Pennant, hon. G. D.
Percy, Major-Gen. Lord
H.
Powell, F. S.
Pritchard, J.
Pugh, D.
Read, C. S.
Repton, G. W. J.
Ridley, Sir M. W.
Robertson, P. F.
Roebuck, J. A.
Rolt, Sir J.
Royston, Viscount
Russell, Sir C.
Samuelson, B.
Sandford, G. M. W.
Schreiber, O.
Selater-Booth, G.
Scott, Lord H.
Scourfield, J. H.
Seely, C.
Selwyn, H. J.
Selwyn, C. J.
Severne, J. E.

Seymour, A.
Seymour, G. H.
Seymour, H. D.
Simonds, W. B.
Smith, A.
Smith, J. B.
Smith, S. G.
Smollett, P. B.
Somerset, Colonel
Stanhope, J. B.
Stanley, Lord
Stirling-Maxwell, Sir W.
Stock, O.
Stopford, S. G.
Stronge, Sir J. M.
Stuart, Lieut.-Col. W.
Stucley, Sir G. S.
Sturt, H. G.
Sturt, Lieut.-Col. N.
Surtees, C. F.
Surtees, H. E.
Sykes, C.
Thorold, Sir J. H.
Tollemache, J.
Torrans, R.
Tottenham, Lt.-Col. C. G.
Treeby, J. W.
Trevor, Lord A. E. Hill-
Trollope, rt. hon. Sir J.
Turner, C.
Vance, J.
Vandeleur, Colonel
Verner, E. W.
Verner, Sir W.
Vernon, H. F.
Walcott, Admiral
Walker, Major G. G.
Walpole, rt. hon. S. H.
Walrond, J. W.
Walsh, A.
Walsh, Sir J.
Waterhouse, S.
Watkin, E. W.
Welby, W. E.
Whalley, G. H.
Whitmore, H.
Wickham, H. W.
Williams, F. M.
Wise, H. C.
Woodd, B. T.
Wyld, J.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, Sir W. W.
Wynn, C. W. W.
Wynne, W. R. M.
TELLERS.
Taylor, Colonel T. E.
Noel, hon. G. J.

NOES.

Acland, T. D.
Adair, H. E.
Adam, W. P.
Agar-Ellis, hn. L. G. F.
Agnew, Sir A.
Allen, W. S.
Amberley Viscount
Anstruther, Sir R.
Antrobus, E.
Armstrong, R.
Ayrton, A. S.

Aytoun, R. S.
Bagwell, J.
Baines, E.
Barclay, A. C.
Barnes, T.
Barron, Sir H. W.
Barry, A. H. S.
Barry, C. R.
Baxter, W. E.
Bazley, T.
Beaumont, H. F.

Beaumont, W. B.
Berkeley, hon. H. F.
Biddulph, Colonel R. M.
Biddulph, M.
Blake, J. A.
Blennerhasset, Sir R.
Bonham-Carter, J.
Bouverie, rt. hn. E. P.
Brand, rt. hon. H.
Bright, Sir C. T.
Bright, J.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Bryan, G. L.
Buller, Sir A. W.
Buller, Sir E. M.
Butler, C. S.
Buxton, Sir T. F.
Calcraft, J. H. M.
Calthorpe, hn. F. H. W. G.
Candlish, J.
Cardwell, rt. hon. E.
Carrington, hon. C. R.
Carnegie, hon. C.
Cave, T.
Cavendish, Lord E.
Cavendish, Lord F. C.
Cavendish, Lord G.
Chambers, M.
Cheetham, J.
Childers, H. C.
Cholmeley, Sir M. J.
Clay, J.
Clement, W. J.
Clinton, Lord E. P.
Clive, G.
Cogan, rt. hn. W. H. F.
Colebrooke, Sir T. E.
Coleridge, J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Colville, C. R.
Cowen, J.
Cowper, hon. H. F.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Cremorne, Lord
Crossley, Sir F.
Davie, Sir H. R. F.
De La Poer, E.
Denman, hon. G.
Dent, J. D.
Dering, Sir E. C.
Devereux, R. J.
Dilke, Sir W.
Duff, M. E. G.
Dundas, F.
Dundas, rt. hon. Sir D.
Dunlop, A. C. S. M.
Edwards, C.
Enfield, Viscount
Erskine, Vice-Ad. J. E.
Esmonde, J.
Evans, T. W.
Eykyn, R.
Fawcett, H.
Fildes, J.
Finlay, A. S.
FitzGerald, rt. hon. Lord
O. A.
FitzPatrick, rt. hn. J. W.
Foljambe, F. J. S.

Forster, C.
Forster, W. E.
Fortescue, rt. hon. C. S.
Fortescue, hon. D. F.
Gavin, Major
Gibson, rt. hon. T. M.
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Glyn, G. G.
Goldsmid, Sir F. H.
Goldsmid, J.
Goschen, rt. hon. G. J.
Gower, hon. F. L.
Gray, Sir J.
Gregory, W. H.
Greville-Nugent, A. W.
F.
Greville-Nugent, Col.
Grey, rt. hon. Sir G.
Gridley, Captain H. G.
Grosvenor, Capt. R. W.
Grove, T. F.
Hadfield, G.
Hamilton, E. W. T.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess
Hay, Lord J.
Hay, Lord W. M.
Hayter, Captain A. D.
Henderson, J.
Henley, Lord
Herbert, H. A.
Hodgson, K. D.
Holden, I.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hughes, T.
Hughes W. B.
Hurst, R. H.
Hutt, rt. hon. Sir W.
Ingham R.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kearsley, Captain R.
Kennedy, T.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. E.
Knatchbull-Hugessen E.
Labouchere, H.
Layard, A. H.
Lawrence, W.
Lawson, rt. hon. J. A.
Leatham, W. H.
Lee, W.
Leeman, G.
Lefevre, G. J. S.
Locke, J.
Lowe, rt. hon. R.
Lusk, A.
Maguire, J. F.
Marjoribanks, Sir D. C.
Marshall, W.
Martin, C. W.
Martin, P. W.
Merry, J.

Milbank, F. A.
 Mill, J. S.
 Miller, W.
 Mills, J. R.
 Mitchell, T. A.
 Moffatt, G.
 Moncreiff, rt. hon. J.
 Monk, C. J.
 Monsell, rt. hon. W.
 Moore, C.
 More, R. J.
 Morris, W.
 Murphy, N. D.
 Neate, C.
 Nicholson, W.
 Nicol, J. D.
 Norwood, C. M.
 O'Beirne, J. L.
 O'Brien, Sir P.
 O'Connor Don, The
 O'Donoghue, The
 Ogilvy, Sir J.
 Onslow, G.
 Osborne, R. B.
 Otway, A. J.
 Owen, Sir H. O.
 Padmore, R.
 Palmer, Sir R.
 Pease, J. W.
 Peel, A. W.
 Pelham, Lord
 Peto, Sir S. M.
 Phillips, R. N.
 Platt, J.
 Pollard-Urquhart, W.
 Portman, hn. W. H. B.
 Potter, E.
 Potter, T. B.
 Power, Sir J.
 Price, R. G.
 Price, W. P.
 Proby, Lord
 Rawlinson, Sir H.
 Rearden, D. J.
 Rebow, J. G.
 Robertes, T. J. A.
 Robertson, D.

Rothschild, Baron M. de
 Russell, A.
 Russell, H.
 Russell, Sir W.
 St. Aubyn, J.
 Salomons, Mr. Ald.
 Samuda, J. D'A.
 Scholefield, W.
 Scott, Sir W.
 Scrope, G. P.
 Shafto, R. D.
 Sheridan, A. B.
 Sheriff, A. C.
 Simeon, Sir J.
 Smith, J.
 Smith, J. A.
 Speirs, A. A.
 Staurope, W.
 Stansfeld, J.
 Stone, W. H.
 Stuart, Col. Crichton-
 Synn, E. J.
 Taylor, P. A.
 Tite, W.
 Tomline, G.
 Torrens, W. T. M'C.
 Tracy, hon. C. R. D.

Hanbury
 Trevelyan, G. O.
 Vanderbyl, P.
 Verney, Sir H.
 Villiers, rt. hon. C. P.
 Vivian, H. H.
 Vivian, Capt. hn. J.C.W.
 Waldegrave-Leslie, hn. G.
 Weguelin, T. M.
 Western, Sir T. B.
 White, hon. Capt. C.
 White, J.
 Whitworth, B.
 Williamson, Sir H.
 Woods, H.
 Young, G.
 Young, R.

TELLERS.

Hibbert, J. T.
 Whitbread, S.

House resumed.

Committee report Progress ; to sit again upon *Monday* next.

METROPOLIS GAS BILL—[BILL 129.]

(*Sir Stafford Northcote, Mr. Secretary Walpole, Lord John Manners.*)

CONSIDERATION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [7th May], "That the Bill be re-committed to a Select Committee of Five Members to be appointed by the Committee of Selection ;" and which Amendment was, after the words "Select Committee of," to insert the words "Seven Members."—(*Mr. Ayrton.*)

Question again proposed, "That those words be there inserted."

Debate resumed.

MR. PAULL said, he trusted that the Amendment of the hon. and learned Gentleman (Mr. Ayrton), for adding two Members to the Select Committee of five Members to be appointed by the Committee of Selection, would not be agreed to.

MR. LAYARD said, that unless some metropolitan Member were appointed to watch over the interests of the metropolis the deliberations of the Committee could not prove satisfactory.

MR. ADAIR said, that the action of the Select Committee of five would only be embarrassed by the addition of two Gentlemen with pre-conceived opinions, half advocates, half witnesses, and entire partisans.

MR. PACKE feared that the addition of two Members would have the effect of protracting the inquiry from weeks to months.

MR. WYLD said, he advocated the number being five.

MR. WHALLEY said, he thought that the number should be seven.

MR. DODSON said, he could not conceive a more impartial tribunal than a Committee of five Members carefully chosen by the Committee of Selection. The parties interested would be represented by counsel. If two more Members were appointed it should be provided, as was sometimes done, that these two should not have the power of voting.

MR. AYRTON said, that the consumers could not be represented by counsel, and therefore the Committee of five Members would be of such a character that the metropolis would not hold itself bound by its decision.

Question, "That the words 'Seven Members' be there inserted," put, and *negatived*.

Original Question put, and *agreed to*.

Bill *re-committed* to a Select Committee of Five Members to be appointed by the Committee of Selection.

PUBLICATION OF BANNS OF MARRIAGE BILL.

LEAVE. FIRST READING.

MR. MONK moved for leave to bring in a Bill to explain and declare the Law relating to the Publication of Banns of Matrimony, and to remove doubts as to the validity of Marriages in certain cases. He said, he felt himself placed in a position of some difficulty, for he did not pretend to conceal from himself that he was undertaking a duty which came within the province of the Government rather

than of a private Member. So strongly had he felt this that he had on two or three occasions called the attention of the Government to this important question, in the hope and belief that they would bring in a Bill to remove all doubts on this subject. It was with considerable regret, therefore, that he learnt from the right hon. Gentleman the Secretary of State for the Home Department that it was their intention to refer the question of the Publication of Banns to a Royal Commission, to be appointed to inquire into Ritualism and other matters connected with the Rubrics, thus effectually shelving the question for two or three years. He hoped that the great importance attaching to the laws relating to matrimony, and to the validity of marriages, would be deemed a sufficient justification and excuse for him in bringing the subject before the House. In reference to a remark which he had made, and to which the Home Secretary had taken exception on Monday last, he wished to explain that it was far from his intention to assert that all marriages solemnized without due publication of banns were null and void. His object had been to draw the attention of the right hon. Gentleman—within the narrow limits allowed in asking a question—to the danger of marriages being invalidated when solemnized without due publication, and of a door being opened to fraud. He was ready to admit that it was immaterial at what period (if any) during Morning Service banns should be published; but it was most important that no doubt should be thrown upon the validity of marriages solemnized in the face of the Established Church. No delay ought to be permitted in setting the question at rest. The laws of marriage were regulated by the statute law of the country, and it was the duty and province of Parliament to place its own interpretation upon the laws which it had passed. At that early hour in the morning (half past one o'clock) he would not detain the House with any arguments on the case, but would reserve them for the second reading of the Bill, which he now asked leave to introduce.

Motion agreed to.

Bill to explain and declare the Law relating to the Publication of Banns of Matrimony, and to remove doubts as to the validity of Marriages in certain cases, *ordered* to be brought in by Mr. MONK and Sir MICHAEL HICKS-BEACH.

Bill presented, and read the first time. [Bill 141.]

Mr. Monk

BROWN'S CHARITY BILL.

On Motion of LORD ROBERT MONTAGU, Bill for confirming a scheme of the Charity Commissioners for "The Charity founded by Thomas Brown, esquire, for promoting the Study and Cure of the Maladies, Distempers, and Injuries of Quadrupeds or Birds useful to Man, *ordered* to be brought in by LORD ROBERT MONTAGU and Mr. ADDERLEY.

Bill presented, and read the first time. [Bill 142.]

TANCRED'S CHARITIES BILL.

On Motion of LORD ROBERT MONTAGU, Bill for confirming a scheme of the Charity Commissioners for "The several Charities founded by the Settlement and Will of Christopher Tancred, of Whixley, in the County of York, esquire, deceased," *ordered* to be brought in by LORD ROBERT MONTAGU and Mr. ADDERLEY.

Bill presented, and read the first time. [Bill 143.]

SIR JOHN PORT'S CHARITY BILL.

On Motion of LORD ROBERT MONTAGU, Bill for confirming a scheme of the Charity Commissioners for "The Charity called Sir John Port's Hospital in Etwell and School in Repton, in the County of Derby, *ordered* to be brought in by LORD ROBERT MONTAGU and Mr. ADDERLEY.

Bill presented, and read the first time. [Bill 144.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, May 10, 1867.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Local Government Supplemental * (89); Land Drainage Supplemental * [90].

SEIZURE OF THE "TORNADO."

QUESTION.

THE MARQUESS OF CLANRICARDE inquired, Whether any reply had been received from the Spanish Government to the last despatch of the Minister for Foreign Affairs relative to the *Tornado*?

THE EARL OF DERBY said, a despatch had been received, dated Monday, the 2nd of May, which had been referred to the Law Officers of the Crown, and it was impossible at present to give to his noble Friend any information regarding it.

THE FENIAN CONSPIRACY.

QUESTION.

THE MARQUESS OF CLANRICARDE rose to ask, Whether the Government has taken Steps to obtain correct Reports of the Evidence given upon the Trials for Treason and Participation in the Fenian Conspiracy, in order that they may be at

the proper Time communicated to Parliament, together with such Information as the Government may possess regarding the Objects, Ramifications, and full Extent of the Conspiracy? The question was not a frivolous or unimportant one. It was not merely a report of what took place at the trials of the Fenian prisoners, and it was still less a report of the speeches of counsel that he wanted; but there were three points in which he thought information was needed. It was extremely desirable, in the first place, to know what had been the origin and what the progress of this Fenian conspiracy, and what steps had been taken or left untaken by the Government before the conspiracy broke out into rebellion. In the next place, it was proper that Parliament should be informed how far the conspiracy had been disseminated among Her Majesty's subjects in the United Kingdom, or encouraged by any society either in this country or in Ireland; and what encouragement it had received from subjects of this country being in the United States of America. A third point, not less essential to be known, though it involved matter of great delicacy, was what encouragement or assistance these conspirators received either from foreign Powers or foreign individuals. It was said that the conspirators had been in communication with persons on the Continent of Europe; but, though some of the prominent rebels had been on the Continent, he believed that in Europe very little encouragement had been given to them. On the other hand, it was known that they had met with great sympathy in America, and had obtained there material aid both in money and arms. It must be understood that he did not mean to imply any participation on the part of the Government of the United States in these proceedings, and it would be borne in mind that that Government acted in the most friendly manner at the time of the Fenian invasion of Canada. He believed that the Government of the United States had behaved with good faith; but it was a matter of little doubt that the Fenian conspiracy had received from individuals in the United States, whether emigrants from Ireland or others, aid and assistance, which made them proceed in the desperate project they attempted to carry into effect in Ireland. As to the origin of the Fenian conspiracy there prevailed most extraordinary ignorance. In the late Parliament the present Chief Justice of Ireland stated that some

of the prisoners convicted in 1858, when he was the Irish Attorney General, and released in 1859, were the chief organizers of the Fenian conspiracy. If that were so, the circumstance would show that this conspiracy was got up, not by any spontaneous action on the part of the people, but by professional agitators and traitors, who lived by the trade of treason alone, which put them in receipt of large sums of money. It was, he believed, in 1863, that the drilling which took place in the county of Cork was first heard of, and in 1864 the persons who had engaged in the drilling were convicted and punished. No communication was made to Parliament, and the country did not know what was going on until in the month of September, 1865, the magistrates of the county of Cork applied to Government for additional constabulary to put down illegal assemblies and illegal drilling. Very shortly afterwards the seizure of a newspaper was made in Dublin. In looking back to the records of the rebellion of 1798 he found that the Fenian conspiracy bore a stronger resemblance to that rebellion than he had at first believed. The United Irishmen of that time adopted very much the same course as the Fenians; and it was stated, in a Report of a Committee of the Irish House of Lords, that at the very time a Motion was made in that House for a redress of grievances the United Irishmen met and came to a resolution that no redress of grievances whatever would give them any satisfaction if it did not free their country from all subjection to the British Crown. The Report of a Secret Committee appointed by the Irish House of Lords declared that it was clear from the evidence of three of the most prominent promoters of the rebellion that no measure whatever would give satisfaction to those engaged in the rebellion unless it were subversion of every religious establishment, both Protestant and Roman Catholic, and independence of the authority of the British Crown. He thought it essential that all the information in the possession of the Government should be laid before Parliament. Nothing, in his opinion, could be more unfortunate than that it should be instilled into the minds of the lower orders of people in Ireland that honour and glory and high patriotism were to be associated either with the late or former rebellions in that country. He therefore read with some regret in *The Times* of the day before an account of the

proceedings of a meeting of the Reform League, at which a resolution, proposed by Mr. Guedalla, and seconded by a Mr. Dell, was come to to make application to the Crown that the lives of the unfortunate men now under sentence of death in Ireland should be spared. With that application he had nothing to do. God forbid that he should say a word against it. But he thought it right to call the attention of their Lordships to the terms in which that resolution was worded. It was as follows:—

“That the Council of the Reform League earnestly calls upon all Englishmen desiring to uphold the honour and preserve the fair fame of their country to aid in saving the lives of the patriotic, if misguided and mistaken, men who are now lying in Dublin under sentence of death.”

Whether the lives of those men should or should not be spared was a question upon which he did not wish to offer any opinion. It was a question which would be decided at the proper time on the responsibility of the proper authorities. But the terms of the resolution, in which those who had been taken in rebellion against the Sovereign were described as “patriotic,” did not savour much, he thought, of the idea of allegiance to the Crown on the part of Mr. Beales and his Colleagues. He maintained that while notions of that kind were put into the minds of the peasantry of Ireland, they could not expect the country to be in other than a disturbed state. He hoped that a full and truthful narrative of the present Fenian trials in Ireland would be secured by the Government, with the view of having materials furnished to Parliament which might serve to guide it in its future legislation for that country.

THE EARL OF DERBY: It is the habit of your Lordships’ House to allow considerable latitude to any noble Lord in putting a Question; but I must say I have seldom observed a greater instance of the excessive use of that latitude than is furnished by the speech of the noble Marquess, whose notice that he meant to ask the Government for certain information never led me to imagine that he was about to travel at such length over the history of the conspiracies which have taken place in Ireland, referring back to the rebellion of 1798, dwelling on the objects of that rebellion, the disturbances of 1848, the subsequent Phœnix conspiracy, requiring information on the subject of the relation of the parties in foreign countries and the conspirators in Ireland, and winding up with a reference to a resolution—which I

The Marquess of Clanricarde

think was hardly worth bringing under the notice of the House—containing the terms in which the Council of the Reform League have thought fit to speak of the Fenian prisoners now under sentence of death for the crime of high treason. I do not propose to follow the noble Marquess into any of the topics with which he dealt; I shall content myself with returning a simple answer to the Questions which he has asked. In reply to the first Question—

“Whether the Government have taken steps to obtain correct reports of the evidence given upon the trials for treason and participation in the Fenian conspiracy,”

I have to state that the Attorney General for Ireland has taken steps to secure a report of the evidence at all those trials from competent shorthand writers. I venture to doubt, however, whether it would be in accordance with the ordinary practice of Parliament that we should be called upon to lay upon the table of the House all the evidence which may happen to be adduced in cases which come for trial before the legal tribunals of the country. It is quite clear that Parliament cannot act as a court of appeal from those tribunals; and it is not only unusual, but I think it would be inexpedient to produce evidence given before them, unless some special ground should arise for calling in question any portion of their proceedings. The noble Marquess further wishes to know whether we have any objection to lay upon the table—

“Such information as the Government may possess regarding the objects, ramifications, and full extent of the conspiracy.”

Now, I cannot conceive that it would be of any advantage to Ireland at the present moment—nor do I look forward to any period when it would be likely to be—that the Government should lay before Parliament any information they may have obtained with regard to the formation and objects of this Fenian conspiracy, and still less that they should make public documents showing the countenance and support which such conspiracies may have received in foreign countries. Any course more likely to embroil this country with foreign Powers, and to raise embarrassing discussions, I cannot imagine than that of laying before Parliament all the information which we have collected or may collect on those important topics.

House adjourned at a quarter before
Six o’clock, to Monday next,
Eleven o’clock.

HOUSE OF COMMONS,

Friday, May 10, 1867.

MINUTES.]—SELECT COMMITTEE—On Factory Acts Extension and Hours of Labour Regulation *nominated.*

SUPPLY—considered in Committee—Committee [R.P.]

PUBLIC BILLS—Ordered—Courts of Law Officers (Ireland).*

Committee—Court of Chancery (Ireland) [47] [R.P.]; Charitable Donations and Bequests (Ireland) [49] [R.P.]

ARMY ESTIMATES.

OBSERVATIONS.

SIR JOHN PAKINGTON said, in consequence of an appeal made to him by the noble Lord the Member for North Lancashire (the Marquess of Hartington), he should not move the Supplementary Vote of which he had given notice that evening, but should postpone doing so until he had laid the Bills, which were in preparation, on the table of the House. Although it was of the greatest importance that the Estimate should as soon as possible receive the sanction of the House, he had thought it advisable to yield to the representations of the noble Lord, and he accordingly had consented to its postponement. He would now give notice that on Monday next he should bring in a Bill for limiting the period of Enlistment in Her Majesty's Army, another Bill for consolidating and amending the Acts relating to the late East India Company's and other Pensioners, and the third Bill to form a Reserve of the men in the Militia to join Her Majesty's Army in time of war.

COLONEL NORTH said, he was surprised to hear that so important a matter had been postponed, as it was impossible, under present circumstances, to proceed with the recruiting. ["Order!"] He would beg to ask the Secretary of State for War, whether the Government would name an early day when they would proceed with this important question?

SIR JOHN PAKINGTON said, he could only repeat that he had given notice of his intention of introducing these Bills on Monday evening next. He hoped that the Bills would be in the hands of Members on Tuesday morning. Of course, the time when he could move the Vote must depend upon the course of public business; but he hoped to be able to do so on Thursday next.

MR. DARBY GRIFFITH said, he wished to know if it was not intended to take the Army Estimates that night?

SIR JOHN PAKINGTON replied in the negative.

IRELAND—PAWNBROKING SYSTEM
IN DUBLIN.—QUESTION.

MR. GREGORY said, he wished to ask the Chief Secretary for Ireland, Whether Dr. Hancock, who in February 1866 was appointed Commissioner to inquire into the Pawnbroking System in Dublin, has reported, and when the Report will be laid before the House?

LORD NAAS, in reply, said, he had received a communication from Dr. Hancock, in which he stated that the postponement in the production of the Report had taken place in consequence of necessary delay. He had reason, however, to believe that the Report would be ready in June.

METROPOLIS—ADMISSION OF CABS TO
HYDE PARK.—QUESTION.

MR. O'BEIRNE said, he would beg to ask the Secretary of State for the Home Department, Whether, as the public have been permitted to drive into Hyde Park in cabs and other public vehicles plying for hire, he saw any objection to permitting Members of Parliament, when proceeding to the discharge of their public duties, to drive over Constitution Hill to the House of Commons?

MR. WALPOLE: This Question, Sir, is founded on the erroneous statement that cabs may ply for hire in Hyde Park. No such permission has ever been granted, though I may state, parenthetically, I believe that on Monday last some messengers did go in cabs to Sir Richard Mayne when he was in the Park; but, with that exception, cabs have not been permitted to go into the Park. As the question rests on that erroneous allegation, I hope the hon. Member will see that there is no ground for making any alteration in the regulations now existing.

MR. O'BEIRNE said, he would beg to give notice that it was his intention to call the attention of the House to the subject on the earliest convenient opportunity.

MR. BRIGHT: I wish, Sir, to put a question on this subject; but I do not know whether I have any right to ask the question of the right hon. Gentleman (Mr. Walpole), though perhaps he will

explain his position to the House. I wish to know whether it is the intention of the Government to go on with the Royal Parks Bill, after the discussion which took place last night in "another place," and after the expression of opinion in this House. I thought, perhaps, the Government might not think it necessary to proceed further with it.

THE CHANCELLOR OF THE EXCHEQUER: We shall always give due notice of any business we intend to bring forward. The Bill does not stand upon the paper for to-night, nor is it probable that any progress can be made with it on Monday.

INSPECTORS OF WEIGHTS AND MEASURES.—QUESTION.

MR. WHALLEY said, with reference to the employment of Police officers in the inspection of Weights and Measures under the Act 5 & 6 Will. IV. c. 63, he would beg to ask the Secretary of State for the Home Department, Whether the same is in his opinion in accordance with the provisions of the Police Act 2 & 3 Vict. c. 93, s. 10, and in any case whether the same is expedient, and whether or not numerous complaints have or have not been received by him in reference to the conduct of the Police so employed?

MR. WALPOLE said, that under the Act of Will. IV. inspectors were appointed by the Court of Quarter Sessions; but under the statute of Victoria, to which that question also referred, it was provided that none of the county constabulary could be employed for hire or gain in connection with the first Act. Therefore, if any police-officer had been employed for hire or gain, contrary to the provisions of the second Act, his impression was that such a proceeding ought not to have been allowed; but no complaint upon the matter had reached the Home Office.

LORD EUSTACE CECIL said, he wished to inquire when the promised Bill in reference to Weights and Measures will be introduced?

MR. WALPOLE said, that instructions had been given to prepare a Bill, and he hoped it was nearly ready.

INDIA MAIL SERVICE.—QUESTION.

MR. CRAWFORD said, he wished to ask the Secretary to the Treasury, If the present weekly Postal communication with India by way of Bombay is to be discon-

Mr. Bright

tinued after the despatch of the mail from London on the 26th of May; and, if he will lay upon the table, Copy of the Advertisements and Forms of Tender for the New Postal Services to India and China recently issued from the Post Office?

MR. HUNT: Sir, the Peninsular and Oriental Steam Navigation Company having given notice of their intention to withdraw the extra steamers running between Suez and Bombay, the Indian service, until further notice, will, after the despatch of the mail from London on the 26th of May, be, as formerly, twice a month to Bombay, and twice a month to Calcutta. If the hon. Gentleman would move for the Papers I shall have no objection to lay them upon the table.

CLIFTON-ON-DUNSMORE PLOT RENTS.

QUESTION.

SIR ROBERT PEEL said, he wished to ask the Vice President of the Committee of Council, Upon what grounds certain charitable monies called Plot Rents, which for more than 200 years have been expended for the benefit of the deserving poor inhabitants of the parish of Clifton-on-Dunsmore, in the county of Warwick, have been applied at the instance of the Charity Commissioners, and contrary to the wishes of the ratepayers and inhabitants, in aid of church rates for the repairs, &c. of the parish church, and also upon what grounds the Charity Commissioners nominated four persons as Trustees of the said charity, not one of whom was possessed of any real property in the said parish?

LORD ROBERT MONTAGU said, in reply, that an order was made by the Commissioners, on the application of the proper persons, and in exercise of the authority vested in them by 23 & 24 Vict. c. 137. All the proper notices had been given and the formalities observed. Some objections were raised, and were duly heard; but there was no appeal against the order issued, and it therefore took effect.

SIR ROBERT PEEL said, that the noble Lord had not answered his question. His Question was, whether any portion of these rents had been expended contrary to the wishes of the ratepayers in aid of church rates for the repair of the parish church?

LORD ROBERT MONTAGU said, he could not say whether it was contrary to the wish of the ratepayers; but they did not appeal against the order.

NATIONAL DEBT BILL.—QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the National Debt Bill, which stands for Monday next, is likely to be taken on that day, or whether he will fix some other day for its discussion?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it will not be possible to bring on the National Debt Bill on Monday. On that day I propose to commence business with the Scotch Reform Bill, and after that I think it expedient that we should go into Committee again on the English Bill. But it is highly important to the public interest that the National Debt Bill should not be further delayed, and therefore I intend to fix definitely Thursday next for that Bill.

TENANTS IMPROVEMENTS (IRELAND) BILL.—QUESTION.

THE O'DONOGHUE said, he rose to ask, When the Chief Secretary for Ireland intends proceeding with the Tenants Improvements (Ireland) Bill?

THE ATTORNEY GENERAL FOR IRELAND (Mr. CHATTERTON) said, in reply, that he was not in possession of the views of the noble Lord; but if notice were given of the Question, he would endeavour to procure an answer on the subject.

ARMY ORGANIZATION.

OBSERVATIONS.

CAPTAIN VIVIAN said, he would beg to appeal to the right hon. Member for Inverness-shire (Mr. Henry Baillie) not to proceed with the Motion of which he had given notice, for a Select Committee to inquire into the management and organization of the War Department. The question was a very important one, and would involve considerable discussion. He had asked the Secretary of State for War for the Report of the Committee that sat last year on the Transport of the Army, and as that inquiry was most directly involved in, and connected with, the subject proposed to be brought forward by the right hon. Gentleman, he thought it would be impossible to debate the question properly till that Report was upon the table of the House.

SIR JOHN PAKINGTON said, he must join in the appeal, as it was almost impossible to conduct the inquiry profitably

so late in the Session. The Report referred to by his hon. and gallant Friend (Captain Vivian) would seriously affect not less than seven of the twelve branches of the War Department; and without expressing any opinion as to the desirability of the investigation at some future time, it would be almost impossible this Session to carry through an inquiry which, to have any effect, must be very extensive.

MR. HENRY BAILLIE said, he was quite ignorant as to the nature of the Report alluded to, or of the departments to which it related, and before he made any reply to the appeal he wished to know whether the Report had any reference to the Ordnance Department, which the question of which he had given notice affected particularly. He did not like to take any course which should seem discourteous to the right hon. Gentleman, and he should therefore be very much disposed to accede to his suggestion.

SIR JOHN PAKINGTON said, that the seven branches of the War Office to which the Report more or less directly referred, were the Ordnance, Stores, Commissariat, Purveyors, Barracks, Contracts, and Accountant General.

GENERAL DUNNE said, he thought it advisable that his right hon. Friend should not proceed with his Motion that night; but, at the same time, it should be remembered that every nation in Europe was now re-organizing its military system, and there was no country which wanted military re-organization more than this.

MR. HERBERT said, he rose to call attention to the recruiting orders of Her Majesty's regiment of Foot Guards.

SIR JOHN PAKINGTON said, the Notice stood for the Army Estimates, and as those Estimates were not coming on he was not prepared to meet the hon. Member's Motion.

COURT OF CHANCERY (IRELAND) BILL.

(*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland.*)

[BILL 47.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

COLONEL FRENCH hoped further consideration of it would be postponed, as no Member of the Bar connected with Ireland was present on his side of the House.

MR. ESMONDE moved that the Chairman report Progress.

THE ATTORNEY GENERAL FOR IRELAND (Mr. CHATTERTON) said, he must oppose the Motion. It was the duty of hon. Members to be present in their places. The Bill was one upon which learned Gentlemen on both sides of the House were agreed, and was almost precisely in the same terms as the Bill introduced by his learned Friends the late Attorney General and Solicitor General for Ireland. He should have the greatest pleasure in giving way but for the inconvenience which would result from the postponement, as the Committee had to get through all the material part of the Bill. Besides, he had public duties to discharge which required him in another place, and he must really press hon. Members to allow the Bill to be proceeded with.

MR. KNATCHBULL - HUGESSEN inquired whether any arrangement had been come to with those hon. and learned Members, now on the Opposition side of the House, who were more directly concerned in the provisions of the measure?

MR. GLADSTONE: There is not the least doubt that, theoretically, all the 658 Members of this House ought to be on these Benches during every moment which the House sits; therefore, my hon. and learned Friends the late Attorney General and Solicitor General for Ireland are responsible for not being in attendance. At the same time, there is a usage of the House which though oftentimes inconvenient cannot be altogether disregarded — that is, when owing to circumstances wholly unexpected and unforeseen, measures are brought on, in regard to which hon. Gentlemen who are entitled to be heard are excusably absent, it is not the practice to proceed with them. I quite sympathize with the right hon. and learned Gentleman the Attorney General for Ireland. I know he is justifiably anxious to go on with the Bill, and I think it possible my hon. and learned Friend may be disposed to allow it to be proceeded with provided there is an understanding that it shall be taken as far as can be done without exciting active opposition; but that if any points arise or which give rise to discussion, those Gentlemen who are now absent shall have the full opportunity of raising their objections at a future stage.

THE CHANCELLOR OF THE EXCHEQUER: There is no doubt that, in point of Parliamentary practice, my right hon. Friend the Attorney General for Ireland is right in asking the House to proceed.

Mr. Esmonde

But there is such a thing as Parliamentary courtesy, without which we could not carry on our affairs. If my right hon. Friend had been longer in the House he would not in this case consider it necessary to observe the strict rules of the House. If there was a clear understanding between the Law Officers of the late Government and the right hon. Gentleman, the latter would not, of course, make any difficulty about the matter. It would be very unfortunate if any misconception should arise; and I am sure my right hon. and learned Friend will accede to the wishes of the House. At the same time the state of public business renders it desirable to proceed with the Bill, if possible.

MR. SERJEANT BARRY asked the right hon. and learned Gentleman the Attorney General for Ireland not to persevere with the Bill that evening. Had he known the Bill would have been brought on so early he should have communicated with his learned Friends, who would then have attended. The right hon. Member for Portarlington (Mr. Lawson), who was absent, had an Amendment on the Bill, as also had the hon. and learned Member for Clare (Sir Colman O'Loughlen). Under all the circumstances, he hoped the right hon. and learned Gentleman would not press the Bill to Committee.

MR. ESMONDE thought the better course would be to postpone the Bill, as there would be a difficulty in understanding its provisions in the absence of the hon. and learned Gentlemen who were familiar with the subject.

THE ATTORNEY GENERAL FOR IRELAND (Mr. CHATTERTON) said, he was perfectly in the hands of hon. Gentlemen opposite. He thought it quite right to state there was no understanding between him and the late Attorney General and Solicitor General for Ireland. He was quite prepared to adopt the course proposed by the right hon. Gentleman the Member for South Lancashire.

MR. DARBY GRIFFITH thought the loss of the evening must be ascribed to the unfortunate abruptness of the Secretary at War in giving notice of the Supplementary Army Estimates for that evening, and then withdrawing it.

House resumed.

Committee report Progress; to sit again upon *Thursday* next.

CHARITABLE DONATIONS AND BEQUESTS (IRELAND) BILL.

(*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland.*)

[BILL 49.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. SERJEANT BARRY objected to proceeding with this Bill in the present state of the House.

THE ATTORNEY GENERAL FOR IRELAND (MR. CHATTERTON) said, he was entirely in the hands of the House.

House resumed.

Committee report Progress; to sit again upon *Thursday* next.

COURTS OF LAW OFFICERS (IRELAND) BILL.

On Motion of MR. ATTORNEY GENERAL FOR IRELAND, Bill to regulate the Officers of the Courts of Chancery and Common Law in Ireland, *ordered* to be brought in by MR. ATTORNEY GENERAL FOR IRELAND and LORD NAAS.

House adjourned at a quarter
after Five o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, May 13, 1867.

MINUTES.]—PUBLIC BILLS—*Committee*—Increase of the Episcopate (51); Inclosure* (65); Local Government Supplemental* (89); Land Drainage Supplemental* (90).
Report—Inclosure* (65); Local Government Supplemental* (89); Land Drainage Supplemental* (90).

GLOSSOP CONVENT.—QUESTION.

THE EARL OF SHAFTESBURY: As I see the noble Earl (the Earl of Derby) in his place, I will take the liberty of calling his attention to a paragraph which appeared in *The Times* of Saturday last, in which it was alleged that six young Roman Catholic ladies who had escaped from a convent at Glossop, in which they had been very ill treated, arrived after a very long walk of upwards of twenty miles at the police office at Sheffield, and that the police authorities, after hearing their statement, directed that they should be taken back to the place from which they had escaped. I merely wish to ask the noble Earl whether

his attention has been directed to that paragraph; whether any instructions have been issued in consequence of it; and whether convents are places of detention recognised by the law of the land, in which persons can be received and lodged against their will?

THE EARL OF DERBY: My attention has been called to this paragraph, which I saw in *The Times* of Saturday last. On that day the right hon. Gentleman the Secretary of State for the Home Department had been down to Osborne, and on his return I had the opportunity of seeing him only for a moment, when I requested him to direct his attention to this matter. I think, however, that the noble Earl opposite has somewhat mistaken the statement which appeared in *The Times*, which is, in fact, the only source from which I have derived information upon the subject. The noble Earl seems to suppose that the young ladies had escaped from a convent in Sheffield, and that they were sent back to the place from whence they had escaped against their will; whereas the paragraph stated that they had escaped from a convent at Glossop, which is twenty-five miles from Sheffield. Arriving in Sheffield about midnight, they went to the police-office, and asked where they could obtain lodging for the night. The police authorities thereupon went to the Superior of a convent at Sheffield to ascertain whether the young ladies could receive shelter and protection in that establishment for the night. On the Superior expressing her willingness to receive them, the young ladies were taken there, but not at all against their will. I must confess that I do not see what other course the police could have taken for the protection of these young ladies than to procure their reception into that institution. I have, however, requested the Secretary of State for the Home Department to make inquiries into the subject.

THE EARL OF SHAFTESBURY: I merely wished to ascertain that the attention of the Government had been called to the matter.

DUCHY OF LUXEMBURG—THE CONFERENCE.—OBSERVATIONS.

THE EARL OF DERBY: Knowing the great interest that your Lordships take in the preservation of the peace of Europe, I have much satisfaction in stating, for the information of this House, that on Saturday last the proceedings of the Conference

on the affairs of Luxemburg were brought to a satisfactory termination. The Papers relating to this subject will be laid before your Lordships in a few days; but I may state that in consideration of the altered position of the Duchy of Luxemburg since its separation from the Germanic Confederation it has been settled that for all future time that territory shall be neutralized; that it shall continue to form a part of the possessions of the King of Holland; that all the Powers shall agree to acknowledge that neutrality; that the Duchy shall be placed under the collective guarantee of all the Powers; that the Prussian garrison shall be withdrawn, with all its artillery and stores of war; that the fortress shall be dismantled—so that it shall no longer be a fortress—to the satisfaction of the King of Holland, and that the works shall not be repaired. It is further agreed that the relation which has hitherto existed between Luxemburg and Limburg shall be terminated, and that, henceforth, the latter shall form an integral part of the Kingdom of Holland. I am sure that your Lordships will hear with pleasure that an arrangement has been come to upon this subject which is calculated to preserve the peace of Europe.

LORD STANLEY OF ALDERLEY wished to know in what respect the present guarantee differed from that which previously existed?

THE EARL OF DERBY: The former guarantee, which was under the collective guarantee of all the Powers of Europe, declared that Luxemburg should continue to form a part of the possessions of the King of Holland; whereas the present guarantee, which is also under the guarantee of the collective Powers, declares that that territory shall be neutralized.

LORD STANLEY OF ALDERLEY said, that the effect of the guarantee was that this country might be called upon to enforce the new Treaty of Luxemburg by force of arms in case of any breach of the neutrality of that territory committed by a third Power.

THE EARL OF DERBY: The guarantee is not a joint and separate guarantee, but is a collective guarantee, and does not impose upon this country any special and separate duty of enforcing its provisions. It is a collective guarantee of all the Powers of Europe. It would, he thought, be better to defer any discussion upon the terms of the treaty until it was laid upon the table of the House.

The Earl of Derby

INCREASE OF THE EPISCOPATE BILL.

(*The Lord Lyttelton.*)

(NO. 51.) COMMITTEE.

House in Committee (according to Order.)

Clause 1 (Schemes may be prepared by the Ecclesiastical Commissioners for Three new Sees).

LORD STANLEY OF ALDERLEY objected to the mode proposed of giving effect to the scheme of the Ecclesiastical Commissioners by Order of the Council, and proposed a Proviso by which the scheme should be subject to the approval of Parliament and be carried into effect only by a Bill.

Moved, to add the following Proviso:—

“Provided always, that no scheme for dividing any existing Diocese or erecting a new Bishopric, or creating a new Capitular Body, shall take effect without the same being embodied in a Bill to be submitted to Parliament.”—(*The Lord Stanley of Alderley.*)

LORD LYTTLTON opposed the Amendment as destructive of the principle of the Bill.

LORD LYVEDEN thought this the most important part of the Bill. It proposed a very serious inroad on the Episcopal Establishment. He considered it inexpedient to establish a new order of Bishops having no seats in that House, and without provision for residence or adequate endowment. He believed the existence of the two sets of Bishops in the country would lead to the disregard of both. The Bill was said to be permissive; but he could not grant such permissive powers to the Ecclesiastical Commission, which was not the most popular body in the country.

LORD CRANWORTH suggested that some middle course should be adopted by which it might be ensured that when any scheme was matured it might be brought before Parliament for its sanction.

The Earl of CHICHESTER and Lord LYTTLTON having given an explanation of the clause,

EARL GRANVILLE said, the only question was whether the scheme should in the first instance be laid before Parliament or not.

THE EARL OF DERBY said, the Bill was intended to carry out the recommendations of the Committee of 1847. He thought that there was some force in the objection that Parliament would have no power to modify the schemes. That objection, how-

ever, could be obviated by providing that Parliament might address the Crown against any part of the schemes. He thought that the preparation of the details of the schemes had better be left with the Ecclesiastical Commissioners than transferred to Parliament.

EARL GREY expressed great doubt as to whether the Bill should be allowed to pass at all. At any rate, if it were passed, the Amendment of his noble Friend would render the Bill nugatory.

LORD STANLEY OF ALDERLEY said, he did not object to the Bill as a whole, but he did object to the mode in which it was proposed to carry it into operation. He thought that a measure of that kind should not be left in the hands of any body of Commissioners, but should be directly under the control of Parliament.

On Question? their Lordships *divided*:—Contents 14; Not-Contents 72: Majority 58.

Resolved in the Negative.

CONTENTS.

Normanby, M.	Carrington, L.
Abingdon, E.	Lyveden, L.
Airlie, E.	Minster, L. (<i>M. Conyng-</i>
Granville, E.	<i>ham.</i>)
Kimberley, E. [<i>Teller.</i>]	Ponsonby, L. (<i>E. Bess-</i>
Shaftesbury, E.	<i>borough.</i>)
Carlisle, Bp.	Portman, L.
Boyle, L. (<i>E. Cork and</i>	Stanley of Alderley, L.
<i>Orrery.</i>)	[<i>Teller.</i>]

NOT-CONTENTS.

Canterbury, Archp.	Manvers, E.
Chelmsford, L. (<i>L.</i>	Morley, E.
<i>Chancellor.</i>)	Morton, E.
Dublin, Archp.	Romney, E.
Cleveland, D.	Stanhope, E.
Marlborough, D.	Stradbroke, E.
Richmond, D.	Hawarden, V. [<i>Teller.</i>]
Bandon, E.	Lifford, V.
Beauchamp, E.	Templetown, V.
Belmore, E.	Chester, Bp.
Cadogan, E.	Down, &c., Bp.
Cardigan, E.	Ely, Bp.
Carnarvon, E.	Gloucester and Bristol,
Chichester, E.	Bp.
Clarendon, E.	Lichfield, Bp.
Dartmouth, E.	Lincoln, Bp.
Derby, E.	Llandaff, Bp.
Devon, E.	London, Bp.
Eldon, E.	Oxford, Bp.
Fortescue, E.	Ripon, Bp.
Graham, E. (<i>D. Mont-</i>	St. Asaph, Bp.
<i>rose.</i>)	Winchester, Bp.
Grey, E.	Berners, L.
Lauderdale, E.	Brodrick, L. (<i>V.</i>
Lonsdale, E.	<i>Midleton.</i>)
Malmesbury, E.	

Cairns, L.	Lyttelton, L. [<i>Teller.</i>]
Clifton, L. (<i>E. Darnley.</i>)	Overstone, L.
Clinton, L.	Ravensthorpe, L.
Delamere, L.	Redesdale, L.
De Tabley, L.	Rollo, L.
Egerton, L.	Salterford, L. (<i>E. Cour-</i>
Faversham, L.	<i>town.</i>)
Foley, L.	Sherborne, L.
Foxford, L. (<i>E. Lime-</i>	Silchester, L. (<i>E. Long-</i>
<i>rick.</i>)	<i>ford.</i>)
Hartismere, L. (<i>L.</i>	Stratheden, L.
<i>Henniker.</i>)	Taunton, L.
Heytesbury, L.	Wentworth, L.
Hylton, L.	Wynford, L.
Inchiquin, L.	

Clause *agreed to.*

The following Proviso *added*:—

“Provided that no Scheme for erecting a new Bishopric or creating a new Capital Body shall take effect till it has been laid for Six Weeks before both Houses of Parliament, nor if within that Time either House of Parliament shall have addressed the Crown in opposition to it.”

THE EARL OF CHICHESTER *moved* an Amendment to insert words providing that the incomes of the new Bishops should not be less than £3,000 a year.

LORD LYTTTELTON hoped the Amendment would not be agreed to, as he thought the matter should be left to the Commissioners and Her Majesty's Government to do the best in reference thereto.

EARL GREY said, that one of the great objects of their previous legislation had been to increase the independence of the Episcopal Bench, which was supposed to have been seriously interfered with by the manner in which Bishops used to be translated. Unless, therefore, it were now provided that the minimum salary or endowment of the new sees should be equal to that of the existing sees, all the evils of the old system of translation, so injurious to the independence and character of the Episcopal Bench, would be restored.

THE BISHOP OF OXFORD thought it would be better to leave the question what should be the Bishops' income open to be settled at the time and under the existing circumstances of the proposed new see, instead of determining it absolutely now.

THE EARL OF CLARENDON believed that if any scheme of the Ecclesiastical Commissioners for the creation of a new see were to receive the consideration of the Government before being submitted to Parliament, it would be viewed with greater confidence.

THE EARL OF DERBY was of opinion that such a scheme as that submitted in the Bill ought not to be submitted to the sanction of the Privy Council as a matter

of course, but should be brought under the consideration of Parliament.

On Question? *Resolved in the Negative.*

Then it was *moved*, after Clause 1, to insert the following clause:—

“The Income to be secured to any See erected under this Act shall not be less than the minimum Amount of Income assigned to any existing Bishopric in England.”—(*The Earl Grey.*)

On Question? their Lordships *divided*:—Contents 44; Not-Contents 43: Majority 1.

CONTENTS.

Dublin, Archp.	Carlisle, Bp.
Cleveland, D.	Chester, Bp.
Devonshire, D.	Down, &c., Bp.
	Gloucester and Bristol, Bp.
Normanby, M.	Lincoln, Bp.
	London, Bp.
Airlie, E.	Ripon, Bp.
Bandon, E.	Winchester, Bp.
Beauchamp, E.	
Cadogan, E.	Boyle, L. (<i>E. Cork and Orrery.</i>)
Chichester, E. [<i>Teller.</i>]	Brodrick, L. (<i>V. Middleton.</i>)
Clarendon, E.	Cranworth, L.
Dartmouth, E.	Foley, L.
Ellenborough, E.	Lyveden, L.
Fortescue, E.	Overstone, L.
Granville, E.	Panmure, L. (<i>E. Dalhousie.</i>)
Grey, E.	Portman, L.
Kimberley, E.	Sherborne, L.
Manvers, E.	Stanley of Alderley, L.
Morley, E.	Taunton, L.
Morton, E.	Wentworth, L.
Shaftesbury, E.	Wrottesley, L.
Stradbroke, E.	
Halifax, V.	
Sydney, V. [<i>Teller.</i>]	

NOT-CONTENTS.

Canterbury, Archp.	Bagot, L.
Chelmsford, L. (<i>L. Chancellor.</i>)	Berners, L.
Marlborough, D.	Clifton, L. (<i>E. Darnley.</i>)
Richmond, D.	Clinton, L.
Belmore, E.	Delamere, L.
Cardigan, E.	De Tabley, L.
Carnarvon, E.	Egerton, L.
Derby, E.	Feversham, L.
Devon, E. [<i>Teller.</i>]	Foxford, L. (<i>E. Lime-rick.</i>)
Graham, E. (<i>D. Montrose.</i>)	Hartismere, L. (<i>L. Henniker.</i>)
Lauderdale, E.	Heytesbury, L.
Malmesbury, E.	Hylton, L.
Romney, E.	Inchiquin, L.
Shrewsbury, E.	Lyttelton, L. [<i>Teller.</i>]
Stanhope, E.	Ravensworth, L.
	Redesdale, L.
	Rollo, L.
Hawarden, V.	Saltersford, L. (<i>E. Courtown.</i>)
Lifford, V.	Silchester, L. (<i>E. Longford.</i>)
Templetown, V.	Tyrone, L. (<i>M. Waterford.</i>)
Ely, Bp.	Wynford, L.
Lichfield, Bp.	
Llandaff, Bp.	
Oxford, Bp.	

Motion agreed to.

Clause added to the Bill.

The Earl of Derby

LORD LYTTTELTON said, he regretted the absence of the Archbishop of York. He had been charged with disregard to the Northern Province by his Bill. Certainly no such intention had been in the mind of the framer. He had been told that if the new diocese of Southwell were added to the Province of York it would soothe the feeling of that Province. He believed that Nottingham had formerly belonged to the Province of York, and that the most rev. Primate (the Archbishop of Canterbury) would offer no objection to the change, and he presumed that it would be agreeable to the Archbishop of York. He therefore moved to insert the following clause after Clause 1:—

“In the event of such aforesaid See of Southwell being erected in the Manner herein provided, such See shall belong to and be part of the Province of York.”

THE ARCHBISHOP OF CANTERBURY said, that in the year 1836 the county of Nottingham was taken from York and added to Canterbury. He should not offer the slightest opposition to the proposal.

Motion agreed to.

Clause added to the Bill.

Clauses 2 to 9, inclusive, *agreed to.*

Clause 10 (No Part of the Common Fund in the Hands of the Ecclesiastical Commissioners to be applied to any Purposes of this Act).

THE BISHOP OF LONDON remarked that a time would eventually arrive when a large surplus would accrue from the estates of the present sees; and, though the augmentation of poor livings was admittedly the most urgent, he thought that when such claims had been satisfied, the residue of the surplus might fairly be applied to supplement the sum subscribed by private benevolence for the foundation of the new bishoprics. He suggested the insertion of a proviso to this effect, which he thought desirable, since a long time would probably elapse before any additional sees were created.

Moved, “To omit Clause 10.”—(*The Lord Bishop of London.*)

THE BISHOP OF LINCOLN thought that the clause should be omitted, and that the question of providing funds for the increase of the Episcopate might safely be left to the discretion of the Ecclesiastical Commissioners, whose decision would be

subject to the approval of the Privy Council and of Parliament.

LORD LYTTTELTON said, he was not prepared to move the omission of the clause. He had inserted it in the Bill in order to meet a possible objection; but he thought the clause a bad one, and he could not help thinking that, if it were struck out, the measure would be more likely to meet with the approval of the other House of Parliament.

THE BISHOP OF RIPON thought that the clause should be allowed to remain, as it would prevent the funds which were now applied in augmenting the incomes of the poor and hard-working clergy from being exhausted in providing for the proposed increase in the Episcopate.

THE BISHOP OF OXFORD believed that the Ecclesiastical Commissioners would never propose to take away one shilling which was now applied to the augmentation of the incomes of the poorer clergy, for the purpose of providing for the proposed increase in the Episcopate. He disapproved clauses being inserted in Bills merely for the purpose of guarding against some possible and indefinite objection which might or might not be raised to the Bill. He earnestly hoped that their Lordships would not pass the clause which the noble Mover of the Bill admitted to be a bad one.

On Question, That the said Clause stand Part of the Bill? their Lordships divided:—Contents 47; Not-Contents 28: Majority 19.

CONTENTS.

Canterbury, Archp.	Halifax, V.
Dublin, Archp.	Lifford, V.
	Sydney, V.
Cleveland, D.	Templeton, V.
Devonshire, D.	
Bristol, M.	Carlisle, Bp.
Normanby, M.	Chester, Bp.
	Down, &c., Bp.
	Llandaff, Bp.
	Ripon, Bp.
Airlie, E.	Brodrick, L. (V.
Bandon, E.	Midleton.)
Belmore, E.	Cranworth, L.
Chichester, E.	Delamere, L.
Devon, E.	Egerton, L.
Fortescue, E.	Foley, L. [Teller.]
Graham, E. (D. Mont-rose.)	Lyttelton, L. [Teller.]
Granville, E.	Lyveden, L.
Grey, E.	Overstone, L.
Kimberley, E.	Panmure, L. (E. Dal-
Manvers, E.	housie.)
Morley, E.	Ponsonby L. (E. Bess-
Morton, E.	borough.)
Shaftesbury, E.	Portman, L.
Stanhope, E.	
Stradbroke, E.	

Saltersford, L. (E. Cour-	Taunton, L.
town.)	Wrotesley, L.
Stanley of Alderley, L.	Wynford, L.

NOT-CONTENTS.

Chelmsford, L. (L. Chancellor.)	Gloucester and Bristol, Bp.
Marlborough, D.	Lichfield, Bp.
Richmond, D. [Teller.]	Lincoln, Bp.
	London, Bp.
	Oxford, Bp.
Beauchamp, E.	St. Asaph, Bp.
Cadogan, E.	Winchester Bp.
Carnarvon, E.	
Dartmouth, E.	Bagot, L.
Derby, E.	Feversham, L.
Malmesbury, E.	Foxford, L. (E. Lime-
Manvers, E.	rick.)
Romney, E.	Hartismere, L. (L.
Shrewsbury, E.	Henniker.)
	Hylton, L.
Hawarden, V. [Teller.]	Sherborne, L.
	Silchester, L. (E. Long-
Ely, Bp.	ford.)

Clause 11 (Provision of Assistants for Bishops disabled by old Age or other Infirmary).

LORD LYTTTELTON said, he had placed some Amendments upon the Paper; but, on the whole, he preferred to move the clause as it stood in the Bill. At any rate it could do no harm, for it would still be open to the Government to deal with the whole matter of Suffragan Bishops. He had suggested that instead of Suffragan Bishops those appointed under the clause should be termed "Coadjutor Bishops."

THE BISHOP OF ELY objected to the Bishops appointed under the clause being called "Suffragan," because they really would be additional Bishops.

EARL STANHOPE thought it highly inexpedient that the appointment of Suffragan Bishops should be mixed up with this Bill. The two subjects were essentially distinct. His noble Friend should not insist on retaining this clause.

THE BISHOP OF OXFORD was strongly opposed to the substitution of the term "Coadjutor Bishop," which was a term well known to the ecclesiastical law, and meant an Assistant Bishop who was to succeed. He knew of no Coadjutor *sine successione*.

THE BISHOP OF ELY pointed out that no additional power would be given, as had been alleged, to the Archbishops, because the nomination of the additional Bishops would always have to come through the Crown.

THE BISHOP OF LONDON expressed a hope that the noble Lord would not with-

draw the clause, which appeared to him to be the only point of the Bill which was of a really practical nature.

VISCOUNT HALIFAX thought the point at issue was one which had better be dealt with in a separate measure.

THE ARCHBISHOP OF CANTERBURY said, that if it were left to be dealt with in a separate Bill he was afraid the matter would be altogether shelved.

After a few words from Lord LYTTLTON and Earl GREY, further consideration of the Clause postponed.

House resumed; and to be again in Committee on *Monday* next.

House adjourned at Eight o'clock,
till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 13, 1867.

MINUTES.]—NEW WRIT ISSUED—*For* Sutherlandshire, *v.* Right Hon. Sir David Dundas, knight, Chiltern Hundreds.

PUBLIC BILLS.—*Ordered*—Representation of the People (Scotland); Army Enlistment*; Army Reserve*; Militia Reserve*.

First Reading—Courts of Law Officers (Ireland)* [145]; Representation of the People (Scotland) [146]; Army Enlistment* [147]; Army Reserve* [148]; Militia Reserve* [149].

Second Reading—Labouring Classes Dwellings Acts (1866) Amendment* [118]; Railway Companies Arrangements* [4].

Referred to Select Committee—Railway Companies Arrangements* [4].

Committee—Representation of the People [79], Clause 3 [R.P.]; British Spirits* [135]; Vice President of the Board of Trade (*re-comm.*) [22].

Report—British Spirits* [135]; Vice President of the Board of Trade (*re-comm.*) [22].

IRELAND—DRAINAGE IMPROVEMENTS.

QUESTION.

LORD JOHN BROWNE said, he wished to ask the Chief Secretary for Ireland, Whether an increase in the value of certain lands (alleged to have been improved by drainage) was made at the last annual revision in Ireland for the first time since the completion of the present Irish Valuation; whether such increase of valuation was made without any notice to the parties concerned or to the Boards of Guardians; whether it is true that the Westport Board of Guardians, immediately

The Bishop of London

on having ascertained that such an increase had been made, disputed its legality, and after a short correspondence the Commissioner of Valuation, in a letter dated December 15, promised to take the opinion of Counsel as to the legality of his proceeding; whether a case was then submitted by the Commissioner to the late Attorney General for Ireland and Mr. Owen, Q.C.; whether, though more than four months have since then elapsed, those eminent Counsel have been unable to give an opinion in favour of the legality of the Commissioner's proceeding; whether the Commissioner, though requested to restore those lands to their original value pending the opinion above referred to, has in the present revision retained them at the increased value he placed on them last year; and, whether it is the intention of the Government to order or advise the Commissioner to leave those lands at the value at which they stood before the change (the legality of which is in question) was made?

LORD NAAS, in reply to the first Question, said, that the increased value of the land was not made for the first time since the completion of the present Irish valuation. An increase had, from time to time, been made in the valuation of certain lands in different parts of Ireland; but in the particular case to which the noble Lord referred, the increased valuation was not rated until the revision which took place in the month of April 1866. As the revision was an ordinary occurrence, no special notice of the matter was given; none, indeed, was needed under the Act. With regard to the noble Lord's next Question, as to whether it were true that the Westport Board of Guardians, immediately on having ascertained that the increase alluded to had been made, disputed its legality, and after a short correspondence the Commissioner of Valuation, in a letter dated December 15, promised to take the opinion of Counsel as to the legality of his proceeding, he had to say that the statements contained in the Question were substantially correct, and that a case was submitted to the late Attorney General for Ireland and Mr. Owen, Q.C. Their opinion was that, although it was the intention of the Legislature that such increased valuation should be made, there were legal difficulties in the way of giving effect to it. The Commissioner had, notwithstanding the opinion, kept the valuation at the increased rate, and he thought himself justified in so doing, owing to the

unsatisfactory state of the law and in justice to other owners. The case was not one in which the Government should interfere with the action of the Commissioner.

LORD JOHN BROWNE said, he wished to ask whether he understood the noble Lord that, notwithstanding Counsel had said the Commissioner had acted illegally, the Commissioner persisted in his course?

LORD NAAS said, he did not think the Counsel had given the opinion that the Commissioner had acted illegally; but that it was the intention of the Legislature that increased value should be assessed, and that it was uncertain whether later Acts had not to a certain extent altered the operation of the law providing for new assessments.

LORD JOHN BROWNE said, he would beg to ask the noble Lord for the Government's opinion upon the matter.

LORD NAAS replied, that as the Counsel had found difficulty in giving an opinion, he thought the Government would find difficulty also.

INDIA—MEDICAL RETIREMENT FUNDS.

QUESTION.

MR. BAZLEY said, he would beg to ask the Secretary of State for India, What compensation the Government intend offering to the Indian Medical Retiring Funds for the losses now incurred by those institutions through the non-accession of fresh subscribers, resulting from orders passed by the Home Government in 1858; and to inquire what compensation is to be offered to the medical officers of the late Honourable East India Company's Service for the loss of the several valuable administrative medical appointments which have been recently transferred to medical officers of Her Majesty's British Army serving in India, as all the rights and privileges of the medical officers of the Indian Army were secured to them by a Parliamentary guarantee when their services were transferred to the Crown?

SIR STAFFORD NORTHCOTE said, in reply, that the Government had offered, conditionally on the transfer of the medical retiring funds to them, that they would guarantee the present incumbents upon the funds the pensions and allowances to which they would be entitled according to the regulations now in force. But the officers and managers of the medical retiring funds had been informed that if

they would not agree to this transfer to the Government they might retain the management of the funds in their own hands, and in that case it would be a question what compensation for loss sustained would be payable by the Government. The result was, that after the communication made in August last the managers of the Bengal medical fund agreed to the terms proposed by the Government, and they had transferred the funds in their hands at the time. With regard to Madras and Bombay, the managers had not chosen to avail themselves of the offer, but preferred to retain the management in their own hands. In regard to the second Question of the hon. Gentleman, those administrative medical appointments referred to were in the nature of staff appointments. Those staff appointments had necessarily been reduced in numbers in consequence of the reduction of the force belonging to the Indian Government; but in this, as well as other respects, the medical service had been liberally treated in all the arrangements made in the organization of the army. Both promotions and pensions had been increased, and everything was done in respect to the staff appointments to make the change acceptable.

IRELAND—FENIAN PRISONERS.

QUESTION.

MR. VERNER said, he wished to ask the Chief Secretary for Ireland, If the desperado who twice attempted to shoot the police in the streets of Dublin is the same Cody or Byrne who was arrested at a Fenian Council, after violent resistance, on the 13th April of last year, and was liberated late in the Autumn; and, if the noble Lord has any objection to grant a Return of the number of Fenian prisoners who have been re-arrested out of the 500 and odd whom he stated at the beginning of the Session he had set free?

LORD NAAS said, that in answer to the first Question of his hon. Friend, he had to state that the information of the Government was not quite complete; but he thought there could be no doubt that Cody, the person arrested the other day, was the same person as that referred to in the Question of the hon. Gentleman. That person would be tried at the Special Commission. In regard to the second Question of the hon. Member, he had to state that the Return had been already moved for, and would be laid on

the table that night. But to remove any misapprehension on the point, he should state that out of the 961 persons arrested under the Lord Lieutenant's warrant since February, 1866, when the Habeas Corpus Act was first suspended, only twenty-six persons had been re-arrested. The constabulary and police had always received instructions to see that the persons who had been liberated were showing no signs of returning to their former criminal courses. On the whole, the information received was very satisfactory.

CATTLE PLAGUE.—QUESTION.

MR. EVANS said, he wished to ask the Vice President of the Committee of Council on Education, Whether he will lay upon the table of the House the Report made by Professor Simonds by order of the Privy Council upon a case of cattle plague alleged to have occurred upon the farm of Mr. Archer at Burnaston, in the county of Derby; and, if he is not prepared to do so, whether he will state to the House the substance of that Report?

LORD ROBERT MONTAGU, in reply, said, he was unable to lay the Report asked for by the hon. Member upon the table. Such Reports had always been refused, on the ground that they were confidentially made to the office. The local authority was provided with its own Inspector, whose certificate was final. By the 29 *Vict.* c. 2, s. 9, the disease was cattle plague if he certified it to be so. Any questioning of his decision would lead to complications and litigation as regarded compensation. For where a beast had been slaughtered which had not cattle plague there would be no claim for compensation under the Act, and the remedy would lie in an action at law. It had been decided, accordingly, that whether the Report made by a separate officer for the information of the Government were confirmatory or not, it should not be made public.

MR. EVANS said, the noble Lord had not answered the latter part of his Question.

LORD ROBERT MONTAGU said, he could not make the substance of the Report public without contravening the rule he had just mentioned.

UNIVERSAL CATALOGUE OF ART BOOKS.—QUESTION.

MR. DILLWYN, in putting the Question of which he had given notice to the
Lord Naas

Vice President of the Committee of Council on Education, said, that on one day last week the whole of one sheet of *The Times* was filled with an advertisement of a catalogue of books, apparently published by authority, and as this only extended as far as the letters "Al," the publication, if continued, would evidently occupy some time. He would therefore beg to ask the noble Lord, Whether the publication by advertisement of an Universal Catalogue of Art Books, compiled by the Science and Art Department at South Kensington, the First Part of which appeared in *The Times* newspaper of the 8th instant, has been duly authorized; and, if so, what is the object of publishing the said Catalogue by means of newspaper advertisements; what is the estimated cost of publishing such Catalogue in this form; and, whether it is intended to publish it in any other form?

LORD ROBERT MONTAGU said, in reply, that the hon. Member had asked four Questions, which he would endeavour to answer fully. The publication of an Universal Catalogue of Art Books, compiled by the Science and Art Department at South Kensington, had been authorized by the late Government; on that subject he would read a portion of a Treasury Minute, dated October 12, 1865—

"With the object of providing against an imperfection of continual recurrence such as the foregoing"—*i.e.*, omissions consequent on the daily increase of the library—"and for other considerations, my Lords have ordered the compilation of a catalogue on a basis altogether new. It is proposed that the new catalogue shall include not only the books in the library, but all books printed and published at the date of the issue of the catalogue that could be required to make the library perfect—that is, to compile an universal record of printed art books which are known to exist up to that period, wherever they may happen to be at the time."

That was the Minute authorizing the collection and publication of an Universal Art Catalogue. The next step taken was in February, 1866, when a Committee was appointed to advise the Privy Council as to the best means of carrying out the objects stated in the Minute. That Committee of Advice included the names of Sir John Acton, Mr. Cavendish Bentinck, Mr. Gregory, Mr. Beresford Hope, Mr. Layard, Sir Henry Rawlinson, Mr. Henry Seymour, Sir John Simeon, Mr. Stirling, Mr. Tite, and a great many other noblemen and gentlemen. The hon. Member asked as to the object of publishing the catalogue in *The Times*. If it were published in the form of a book there would

be many inaccuracies, a great number of editions would be required, and, after all, the number of persons reached by each of those editions would be exceedingly limited. Whereas by being published in *The Times* it at once gained a circulation of 65,000, it passed into the hands of persons all over the world, and learned men in every quarter of the globe would have their attention called to it in the most effectual manner; and, observing inaccuracies or deficiencies in the catalogue, would be led at once to forward notes of additions or corrections. That was the object of publishing it in *The Times*. The hon. Member also asked what would be the cost of the publication. That was determined by a Minute of February last, which he would read to the House—

“Read Mr. Mowbray Morris's letter offering to insert the Universal Art Catalogue, at the rate of £11 per column, in *The Times* newspaper, instead of £20, a usual charge. It is estimated that the cost of printing the whole catalogue will be about £5,000, to be spread over three years. This is a low charge, and insures the circulation over the world of 65,000 copies.”

The estimate was made upon this basis:—30,000 entries, at eighty in a column, would make 375 columns, say 380 columns, at £11; that would be equal to £4,180. To this must be added £750 for corrections and proofs, which were not usually done in advertisements, making the total £4,930. But of this amount £2,400 would be returned to the public, because that would be the amount of newspaper stamps due to the additional advertisement sheets. The balance, therefore, of £2,530 would be the estimated cost, provided the whole were published; and would represent the payment to *The Times* for the composition, paper, printing, and benefit of its extensive circulation. As to the last question, whether it was intended to publish the catalogue in any other form, the decision on that point would remain with the Lord President at the time when the catalogue was completed, which might not take place till four or five years hence.

MR. GLADSTONE: The noble Lord spoke of a sum of £2,400 charged as a stamp duty upon advertisements. Following out the calculation of the noble Lord, I would ask what is the present amount of stamp duty upon advertisements?

LORD ROBERT MONTAGU said he could not tell the right hon. Gentleman. He obtained his information at his Office before he came down to the House. [An

hon. MEMBER: There is no stamp duty.] £2,530 was the sum which, it was estimated, would be repaid to the public in the shape of stamps upon advertising; as this would double the sheets.

MR. GREGORY said, his name had been mentioned as serving upon the Committee of Advice. The circumstances were totally unknown to him, and he believed the Members of that Committee had no idea this large expenditure was to take place. He wished to inquire whether the noble Lord would postpone for the present the further publication of these advertisements, until the House had an opportunity of thoroughly considering the case, or whether the agreement entered into forbade the possibility of doing so?

MR. BERESFORD HOPE said, finding himself also implicated in this extraordinary publication, he wished to say a word in explanation. Committees were appointed and were not attended, and then Members found themselves shown up to the world in this ridiculous aspect.

LORD ROBERT MONTAGU said, that if the hon. Member for Galway (Mr. Gregory) would give notice of his Motion he should be happy to answer it.

ENGINEER SURVEYOR AT LIVERPOOL.

QUESTION.

MR. O'BEIRNE said, he wished to ask the Vice President of the Board of Trade, Whether he will place upon the table of the House all the Correspondence between the Board of Trade and Mr. H. D. Grey, Captain Robertson, or any other person or persons with reference to Mr. H. D. Grey's conduct as engineer surveyor at Liverpool, or his removal from that Port to Plymouth?

MR. STEPHEN CAVE, in reply, said, the Correspondence to which the hon. Member referred related to an unfortunate misunderstanding which had taken place between two officers connected with the Board of Trade. The matter had now been settled, and he did not think the publication of the details would be for the advantage either of the parties concerned, or of the public service. As long as human nature remained what it was these disagreeable episodes would from time to time occur in the best regulated departments. The noble Duke the President of the Board of Trade and himself were most anxious to smooth down asperities, and make the Department work easily; but their difficulties would be

enormously increased in such cases by the publication of documents, which must tend to keep open, and even widen, any breach which might have occurred.

IRELAND—ALLEGED DISTRESS IN MAYO.
QUESTION.

SIR JOHN GRAY said, he rose to ask the Chief Secretary for Ireland, If he has received any official communication with respect to the condition of the agricultural population in the western portions of Mayo; and, if so, will he communicate the purport of the same to the House and the nature of the precautionary steps, if any, which it is proposed to take in order to avert the distress which is said to be anticipated in that district?

LORD NAAS said, in reply, that no information, official or unofficial, had reached the Government with regard to the existence of distress in the west part of Mayo.

IRELAND—FENIAN CONVICTS.
QUESTION.

SIR JOHN GRAY said, he would beg to ask the Secretary of State for the Home Department, If a letter was addressed by Mr. Kickham, one of the Fenian prisoners, to the Chairman of the Board of Directors of Prisons, dated on or about the 31st January, complaining of the severity of the treatment he received, the cold he was exposed to during illness, and the insufficiency of the food supplied to him; and, if so, if he will lay a Copy of that letter upon the table of the House?

THE CHANCELLOR OF THE EXCHEQUER: I will answer the Question of the hon. Gentleman when I move to postpone the Orders of the Day.

IRELAND—WRECKS ON THE IRISH COAST.—QUESTION.

MR. KAVANAGH said, he wished to ask the Vice President of the Board of Trade, with reference to the Return of Wrecks on the Irish Coast for the years 1864, 1865, and 1866, lately laid upon the table of the House, which shows that out of the nineteen casualties named, eleven happened between Carnsore Point and Wicklow Head, Whether any steps have been taken towards the better lighting of that coast; whether a Commission was not appointed to consider the dangerous state of that coast; and, if so, when their Report will be laid upon the table?

Mr. Stephen Cave

MR. STEPHEN CAVE, in reply, said, that no Commission had been appointed, but that a joint Committee of the Board of Trade, the Trinity House, and the Dublin Ballast Board met at Liverpool last autumn to consider the subject of lighting the Irish coast from the point of Howth to the Tuscar, which included the portion mentioned in the hon. Member's Question. The result of their deliberations was a series of proposals which had since been formally accepted by the three Boards, and were now being carried out by the Ballast Board of Dublin. These works comprised a re-distribution of the three lightships already there, and the addition of two others, the improvement of the South Arklow Light, and Wicklow Head Light. There were also to be four buoys added to the thirteen already there, and the whole seventeen were to be made first-class buoys. Notices of these changes had already been published, and it was expected that the new buoys would be completed by the 15th of August, and the new lights by the 10th of October. There was no formal Report, but he proposed laying on the table papers explanatory of these arrangements.

GOVERNMENT OF VENEZUELA.
QUESTION.

MR. GOSCHEN said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have taken or intends to take any, and if so, what measures to obtain from the Government of the Republic of Venezuela the restitution of moneys arbitrarily abstracted by that Government from the agents of British subjects; and to urge on the Government of Venezuela the due performance of its contracts with British subjects for the appropriation of certain portions of Customs Duties towards the payment of its engagements made in 1862 and 1864?

LORD STANLEY: Sir, since I have had anything to do with the Foreign Office, and I believe for a considerable time before that, correspondence has been going on between the Government of this country and that of Venezuela with reference to the claims of British subjects on account of Venezuelan bonds. I regret to say that up to this time that correspondence has been eminently unsatisfactory. Remonstrances have been addressed again and again to the Venezuelan authorities, and those remonstrances have been met either with

silence, with evasive replies, or with vague and general promises, which promises have not been fulfilled. I cannot say, looking back to the past, that I have much hope of redress being obtained as a consequence of such representations. But whether any steps of a different character should be taken is a question of extreme gravity, and one in which I am not willing at present to pledge Her Majesty's Government. I will only say that such steps ought not to be taken, except after the fullest consideration, in the very last resort, and when all other means of obtaining justice have failed.

THE LUXEMBURG CONFERENCE.

QUESTION.

SIR HARRY VERNEY said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has any information to give the House on the subject of the Conference?

LORD STANLEY: Sir, the Conference concluded its labours to-day. On Saturday evening a treaty was signed, which, when the ratifications are exchanged, will be laid on the table of the House.

IRELAND—THE LAND BILLS.

QUESTION.

In reply to Mr. BRADY,

LORD NAAS said, he did not think he should be able to bring on the Irish Land Bills to-night.

MR. BLAKE said, he wished to know, Whether the noble Lord could fix a day for the further discussion of those Bills?

THE CHANCELLOR OF THE EXCHEQUER said, the Government could not fix a time for them at present; but when they saw their way with respect to other business a little more clearly, they would endeavour to do so.

THE WAR DEPARTMENT.—QUESTION.

LORD EUSTACE CECIL said, he would beg to ask the Secretary of State for War, Whether he can state when the Report of the Ordnance Committee will be placed on the table?

SIR JOHN PAKINGTON said, it was his intention to lay the Report on the table in the course of the present week—probably on Thursday.

RESIGNATION OF MR. WALPOLE.

MR. NEATE said, he hoped the right hon. Gentleman the Leader of the House would state whether Ministers intended to proceed with the Parks Bill, or, if not, whether notice would be given of the intention to drop the Order?

THE CHANCELLOR OF THE EXCHEQUER: In moving that the Orders of the Day be postponed until after the notice of Motion for leave to bring in a Bill to amend the Representation of the People in Scotland, I beg the House will permit me to make a communication which does not strictly refer to that Motion, but which it may be convenient to the House to make. I have to inform the House that my right hon. Friend (Mr. Walpole), who introduced the Bill referred to by the hon. Member (Mr. Neate), and who would also, if present, have answered the question put by the hon. Member for Kilkenny, has, I regret to say, thought it his duty to resign the seals of the office which he holds. Her Majesty having been graciously pleased to accept that resignation, my right hon. Friend holds those seals only till his successor shall have been appointed. The reason—the sole reason for the resignation of his office by my right hon. Friend is the state of his health, brought about by pressure of public business on a nature which every Member of this House must know is only too sensitive, though I am sure no one appreciates my right hon. Friend the less on account of such a quality. Two months ago my right hon. Friend communicated to me the necessity for this step on his part. He told me the labour of his office was so great, and the efforts he had to make in endeavouring to accomplish it so trying, that it was impossible for him to remain in the post he occupied. My right hon. Friend was deterred from then taking the step which he had determined upon, because he thought his doing so at that critical moment might have been attributed to a want of sympathy on his part with Lord Derby and his Colleagues in the management of the measure they had introduced for the Amendment of the Representation of the People. I may take this opportunity of saying that we had not only sympathy, but the most valuable, the most suggestive, and the most unflinching assistance from my right hon. Friend. Sir, I find it difficult on this occasion to express my own feelings at the loss of so valued a Colleague. Very few who ever sat in this

House exceeded my right hon. Friend in general Parliamentary capacity and political knowledge. But the peculiar charm of my right hon. Friend was that he brought to the transaction of public business a kindness of heart united to a singleness of purpose which mitigated the great difficulties of successfully dealing with important public questions. I am happy to say that the services to the State of my right hon. Friend will not be wholly lost. He will sit on these Benches, and, though not a Minister of the Crown, he will be one of Her Majesty's responsible advisers. When the arrangements consequent on the appointment of my right hon. Friend's successor are completed, hon. Gentlemen who have asked questions on the subject of the Bill for the Public Parks, and with respect to other business in the Department of the Home Secretary, shall receive the information they require. I move the postponement of the Orders of the Day.

SIR JOHN GRAY said, he wished to remind the right hon. Gentleman that he had not given any reply on the subject of the Fenian prisoner.

THE CHANCELLOR OF THE EXCHEQUER: The new Secretary of State will take the earliest opportunity of giving a reply on a subject of which I am necessarily ignorant.

Motion agreed to.

PARLIAMENTARY REFORM—
REPRESENTATION OF THE PEOPLE
(SCOTLAND) BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker—I rise to ask for leave to bring in a Bill to amend the Representation of the People in Scotland. In dealing with this subject I have to address myself to two main divisions of the subject—one regarding the franchise, the other the distribution of seats. In the general construction of the Scotch Bill we have followed as closely as possible the model of the Bill before the House with respect to England, which for so long a period has occupied its attention. As regards the borough franchise, with some exceptions which the difference between the law of the two countries rendered necessary, and which, I think, may fairly be described as technical, the franchise we propose for the Scotch boroughs is the same as we propose for those of England. We find in

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the case of Scotland, as in that of England, that it is impossible to establish any franchise for boroughs of a satisfactory nature—of a nature which would give any promise of being permanent—upon the principle of value. We have therefore adopted in Scotland the same principle we have proposed for England—namely, that the performance of public duties should be the foundation for acquiring and enjoying public privileges. We are of opinion that we cannot in the case of Scotland, any more than in the case of England, have a more complete test—one more general and universal in its application, than the payment of rates. The payment of rates necessarily involves the fulfilment of duties. It induces a man to take an interest in the prudent and economical management of the funds of the community of which he is a member. He has also to perform a function which necessarily demands some thought and entails some sense of responsibility on every man who may exercise it—the function of election. He has to elect public officers. He has to elect vestrymen and guardians of the poor. He may, indeed, himself become a vestryman or a guardian of the poor. He necessarily attends and transacts business in public meetings. He thus undergoes a discipline in the performance of public functions, and is, to a certain extent, prepared for the position of exercising that still more important function, the power of selecting a representative for himself in the House of Commons. I do not, of course, mean to say that every man who pays rates is a reputable person, for in all classes of life painful exceptions to what I hope is the general character of humanity will occur. But I think I have a right to say with confidence that, on the whole, the payment of rates is a very fair test of propriety of conduct on the part of the person who exercises that function, more especially if, though adopted as a first element of the qualification for the franchise, it be accompanied by a condition of an adequate period of residence. These are the two qualifications upon which we attempted to found the borough franchise in England, and there is no reason whatever, as far as we can form an opinion, why they should not be the foundation of the borough franchise in Scotland. It is very true that in Scotland there are no compound-householders, and the fact of our proposing that the franchise in Scotland should be the same as in England, although there are

no compound-householders in the former country, is, I think, a tolerably satisfactory answer to the unfounded insinuation that in fixing the franchise as we have done in England our only object was to restrict its enjoyment and exercise. Our only object in taking the step we did with regard to England was to restrict the enjoyment of the franchise to those whom we deemed qualified to exercise it; and had there been no compound-householders in England the same franchise, I have no doubt, would have been proposed by Her Majesty's Government. Indeed, the clauses we have proposed in the Bill to facilitate the enjoyment of the franchise by any who desire it and are worthy to possess it—although they may by the accident of legislation not be immediately and directly empowered to obtain it—will, I think, convince every one that that is our sincere intention. The borough franchise which we propose for Scotland—identical in spirit, if not absolutely in form, with the borough franchise in England—is a franchise founded on a principle which has been accepted by the country. That principle is that the franchise should be intrusted to those who perform public duties and thereby prove themselves competent to exercise the franchise at Parliamentary elections. The condition of residence is also approved by the country. The arrangements we have prepared with regard to those householders who may be anxious to obtain the franchise, but who, on account of the conditions accepted by the country, may be debarred from immediately enjoying it, are of such a nature that they will, if not entirely, yet to a considerable degree remove every obstacle in the way of obtaining it. The English Bill, upon which the Scotch Bill is founded, will when passed have the effect, if not immediately, yet ultimately and gradually—and better because gradually—of elevating the character of the people of this country by increasing the interest they take in the management of their own affairs. And to teach them to manage their own affairs is the best mode of rendering them fit for the possession of the franchise, by which they may influence the affairs of the Empire. Her Majesty's Government accept the division on Thursday last as a sanction and guarantee of the general policy of the Government with respect to the borough franchise. They believe that after that vote there will be no difficulty whatever in proceeding with the English

Reform Bill with expedition, and in a manner satisfactory to the House. They have experienced already much assistance from the House in the conduct of that Bill. There are many questions, no doubt, on which they are ready to assert the view which they think the right one, but with respect to which the opinion of the House will greatly influence them. I hope, therefore, that under these circumstances we may proceed with that Bill, which is the model of the Scotch Bill, after the Scotch Bill has been introduced, and that we may make considerable progress even to-night. Having said that, I will also state—I hope in a manner which will offend no one—that I most anxiously hope—after the vote of Thursday last, that there will be no attempt indirectly—for I will not use the word “surreptitiously”—to rescind or perplex that vote. From the conclusion at which the House then arrived it is impossible for the Government to deviate. I say this more particularly, because I have heard of violent speeches made since the last sitting of the House, which, considering the anxious task we and the House generally have undertaken, are not of a very encouraging character. When it is borne in mind that, whatever differences of opinion may be entertained by particular individuals and sections, the House has been engaged for a considerable time in settling how a large increase of electoral power should be distributed among the people of this country; considering also that, probably this very evening, after the introduction of this Bill, both sides of the House, in the total absence of party feeling, will proceed to deal with the subject of the lodger franchise, with, I believe, an earnest desire on the part of the great majority of the House to bring to a safe and satisfactory solution a question of particular interest to the people of this metropolis—considering all this, I most deeply regret that the recent addresses were ever delivered. I feel that they do not assist the Government or the House, and this is a matter which interests the House as much as it interests the Government. Those addresses do not assist us in bringing this affair to a happy termination. I regret much that the old stages and antique machinery of agitation should have been re-adjusted, re-burnished, and sent up by Parliamentary train to London. We are, moreover, threatened with an agitation of a most indefinite and incoherent character; for at this moment

I am at a loss to know whether the proposed agitation is to be in favour of manhood suffrage or a £5 rating. All this is not satisfactory, and it is a great impediment to me in introducing the Scotch Bill to the consideration of the House this evening. I should have been very glad if, after the vote of the House on Thursday, it had been considered that a definite decision had been arrived at on the subject of the borough franchise. I regret very much that these spouters of stale sedition should have come forward to take the course they have. It may be their function to appear at noisy meetings. But I regret very much they should have come forward as obsolete incendiaries to pay their homage to one who, wherever he may sit, must always remain the pride and ornament of this House.

“Who but must laugh, if such a man there be?
Who would not weep if Atticus were he?”

Notwithstanding these menaces, we shall be able, I trust, to continue our labours with calmness, and with a common endeavour to produce as good a Bill as the contending principles of different parties in this free country will allow. Nothing has surprised me more in the ebullitions which have recently occurred than their extremely intolerant character. Everybody who does not agree with somebody else is looked upon as a fool, or as being influenced by a total want of principle in the conduct of public affairs. Sir, I cannot bring myself to believe that that is the temper of the House of Commons or the temper of the country. I do not believe that they will sanction such proceedings. I believe they utterly disapprove them, and I appeal with confidence to the House to assist Her Majesty's Government in any efforts they make to improve these Bills for the Representation of the People. I have said that the franchise in the boroughs in Scotland will be similar to and almost identical with that of the boroughs in England. The occupation franchise for the counties will be reduced on the same scale, and in the same manner, as it has been proposed to reduce it in England. The property franchise, untouched in England, will be untouched in Scotland. It is now my business to call the attention of the House to the, for the moment, more novel and interesting subject of the re-distribution of seats. There were forty-five Members for Scotland at the time of the passing of the Reform Bill in 1832. That had been the number of Scotch Members from the Union

of the two kingdoms. After more than a century's experience, they were by the Bill of 1832 increased by eight. Although only thirty-five years have passed; after giving the most complete consideration to the whole question of the representation of Scotland, and wishing to give it, under all the circumstances, a fair and adequate representation, we propose to increase the number of Scotch representatives to sixty. That is, to add seven to the number it now possesses. In speaking of the apportionment of the new Members, I would first address myself to the claims of the Universities. These are very learned, ancient, and distinguished institutions, and they have in their time produced very able men. But it was not until the year 1858 that they had a popular constitution conferred upon them. They were indebted for that popular constitution to the Government of which I was a Member, and it was the then Lord Advocate, the present Lord Chief Justice Clerk of Scotland, Mr. Inglis, who introduced the measure. Until a measure of that kind was carried it was quite impossible that the question of the representation of the Universities could be considered, because, owing to the want of a popular constitution, they had no means of establishing a constituency. That measure has been perfectly efficient and singularly successful. It has accomplished its end. It has given the four Universities of Edinburgh, Glasgow, Aberdeen, and St. Andrew's a constituency of about 5,000, rather more than that of the University of Oxford, rather less than that of Cambridge, and considerably exceeding the constituency of what is called the University of Dublin—in fact, only Trinity College, which is 1,700. I do not grudge Trinity College its two Members, though they are not always on the same side as myself. I do not grudge it them for this reason—I think that the title and function which the college possesses may ultimately lead to the establishment of a real University in Ireland. There may be other colleges affiliated to Trinity College, and that constituency will naturally increase. The Universities of Oxford, Cambridge, and Dublin have each two Members. Under this Bill the constituencies of the Scotch Universities will amount to 6,500; for there are 1,500 medical graduates whom it was intended to have enfranchised in 1858, and who were omitted only through a technical oversight. Under these circumstances, we propose to apportion two Mem-

bers to the Scotch Universities, but that they shall be divided. We propose to couple the University of Edinburgh, which contributes one moiety of the constituency, with that of St. Andrew's, which is the smallest, and to give the two one Member. We also propose that the Universities of Glasgow and Aberdeen shall together return one Member. Now I come to what we propose to do with regard to the burghs and the counties. It will be convenient that I should put before the House their exact position as regards the population, electors, and value. Taking the Census of 1861 as our guide, the population of the burghs will be 1,244,106, and that of the counties 1,818,188. So that the excess of population in the counties is 574,082. The first inference from these figures might be that there should be a considerable increase of county Members. But, looking further, we find that there are 55,515 electors in the burghs, and 49,979 in the counties. So that the excess of electors in the burghs is 5,536. The annual value of the burghs is £4,700,000, and that of the counties £8,700,000. At present the counties have thirty Members and the burghs twenty-three. We propose to take the three principal counties of Scotland—Lanarkshire, Ayrshire, and Aberdeenshire—and we propose to give them an additional Member each. But, as no county has more than one Member, we propose that these three counties shall each be divided, and that each division shall have a Member. We propose to increase the representation of the borough of Glasgow, so eminent for its population, industry, and intelligence, and scarcely second to any place except the metropolis. We do not propose to give a third Member to the existing constituency, a plan which we think erroneous in principle and prejudicial in action. We would rather put it in a position similar to that of Liverpool and Manchester, with regard respectively to Birkenhead and Salford. We propose to divide Glasgow as it is divided naturally by its river, to give two Members to North Glasgow and the third to the south part of the town, including some of its suburbs. We propose to dissolve two groups of burghs, the Falkirk and the Kilmarnock burghs. Among these in their immediate vicinity, and identified with them by interests and pursuits, a variety of towns have risen since 1832. We propose that as to these and throughout Scotland every town with not less than 6,000 inhabitants

shall be a burgh. The new burghs will be Coatbridge, Wishaw, Kirkintilloch, Helensburgh, Johnstone, Barrhead, Pollockshaws, Ardrossan, Hawick, Galashiels, and Alloa. The population of Coatbridge, the highest, is 10,500, there are several between 7,000 and 8,000, and the lowest population is that of Barrhead, which is 6,018. We propose to dissolve the two groups of the Falkirk and Kilmarnock burghs, and out of the burghs composing them and the new burghs whose names I have read we shall make three groups of burghs. One will be a new group. To that group we shall apportion a Member, and that will be an addition to representation. The Falkirk group will then consist of Falkirk, Linlithgow, Dumbarton—three burghs already in that district—and Kirkintilloch and Helensburgh—two new burghs. This group will have a united population of 33,223. The burghs composing this group are situate on the same line of railway, with an extreme distance from Falkirk, the proposed returning burgh, of about forty miles. Dumbarton was formerly in the Kilmarnock group. The new group to be represented for the first time will be called the Hamilton district. It will consist of Hamilton, Airdrie, Lanark, and Rutherglen, with Coatbridge (population 10,501) and Wishaw (population 6,112), both mining towns. These burghs have an aggregate population of 53,332. All are situate within the county of Lanark, and the character of their populations is very similar. Hamilton, Airdrie, and Lanark were formerly in the Falkirk, and Rutherglen in the Kilmarnock district. The third group will be called the Kilmarnock burghs, and will consist of Kilmarnock, Port Glasgow, and Renfrew, and the new burghs of Johnstone, Barrhead, and Pollockshaws. Their aggregate population is 53,133. These burghs are all, with the exception of Kilmarnock, in the county of Renfrew. Kilmarnock is in the county of Ayr. But it is impossible to put it in the Ayrshire group on account of its large and increasing population. The extreme distance between Kilmarnock and the other burghs, all of which are connected by railway, is under thirty miles. By that arrangement we add another Member to the Scotch burghs. There are some slight changes which we propose in existing groups. The Ayr burghs we propose to increase and strengthen by adding Ardrossan with a population of 7,674. This is the only alteration in the Ayr burghs.

The Haddington burghs are weak in point of population, and the constituency requires to be considerably strengthened. It comprises two places, North Berwick and Dunbar, which have a population of little more than 1,100; and the whole population is not much more than 13,000. We add to them the town of Hawick, with a population of 8,191, and Galashiels with a population of 8,500. These are rising commercial towns, and ought certainly to enjoy a share in the representation. That will very much strengthen the Haddington burghs. They at present belong to the counties of Selkirk and Roxburgh. Hawick is distant from the returning burgh about as far as Jedburgh and Galashiels is nearer. In the Stirling district we have added the port of Alloa, with a population of 6,425, and within seven or eight miles of the returning burgh. The result is: We propose to give seven new Members to Scotland. Two to the Universities. One to Glasgow, which will be divided into North and South Glasgow. One to a new group of burghs. We propose to strengthen other groups of burghs by the addition of towns which have unquestionable claims to such a position, and to add three Members for the three chief counties of Scotland. I can hardly hope that every arrangement which we propose will pass unquestioned by the House, because for arrangements of this kind no such reception can be expected. All I can say is that if they can be improved by discussion, so much the better. Her Majesty's Government have no other object than to fulfil their promise of giving a full and fair representation to Scotland. They have given their best consideration to the subject. I hope, therefore, I am asking for leave to introduce a Bill which will meet with the favourable consideration of the House.

Mr. MONCREIFF said, it would be premature to enter into any lengthened discussion of the topics brought before the House until they saw the Bill which the Chancellor of the Exchequer had now asked leave to introduce. But he would say a word on the subject of the borough and county franchise, and the re-distribution of seats. No wonder the right hon. Gentleman was rather embarrassed in explaining the provisions of the Bill. The other night he promised, and in the letter he had fulfilled his promise, that the new borough franchise for Scotland should be identical with that for England. But before you could produce identity by apply-

ing the same rule you must have the same subject to which to apply it. As the state of matters in Scotland was entirely different from that in England, the House would find what they would not have discovered from the speech of the right hon. Gentleman, that the effect in Scotland differed materially, and in some respects was entirely the reverse of that in England. Last year there was in some quarters a singular rage for statistics. No progress, it was declared, could be made without statistics, and the Government of that day were expected to inform the House minutely of the different classes of persons whom they expected to enfranchise. But the House had not a word of information as to the numbers who would be enfranchised under this Bill. They had been told that payment of rates was the discharge of a public duty, and that a man who paid rates was fitted for the franchise. He said nothing against that principle at present. But in the Reform Bill of 1832 there was a provision about the payment of rates in Scotland—namely, that no man should be enfranchised who had not paid his assessed taxes. There was no general rate at the time. Indeed, there was none now which might be made the standard. The assessed taxes were therefore chosen as the standard. This provision, however, gradually fell into utter disuse. In 1856, with the common consent of the Scotch Members and constituencies, it was abolished, and the qualifications was made to rest upon the rental as it appeared upon the valuation roll. The payment of rates, the public function, which was henceforth to be the foundation of the franchise, stood in Scotland substantially in this way. The poor rate was considered the most just. It was not universally adopted as the test, but it was generally. If they were to have the ratepaying element at all it was reasonable that the poor rate should be the standard. The poor rate was levied one-half from the landlord and one-half from the tenant. It was in the power of each parochial Board—a body corresponding to the Board of Guardians in England—to exempt any one they pleased on the score of poverty. In the Valuation Act there was a general provision that in the case of houses under £4, if they were not entered separately on the valuation roll by the valuation assessor, the landlord would be liable to pay the whole rate, he recovering from the tenant. Substantially, however—at all events, in the large towns in

Scotland—it was not the practice to collect rates from the tenants of houses valued below £4. The landlord paid his own share, which was one-half, and as to the other half there was no collection at all. He had calculated the effect which the proposal of the right hon. Gentleman the Chancellor of the Exchequer would produce in Edinburgh, which might probably be fairly taken as a guide to the general working of the Bill. In Edinburgh there were upwards of 21,000 householders under £10. Of those, 15,739 were male occupiers. Deducting from this number householders under £4, and therefore not rated, of whom there were 4,452, deducting also paupers, defaulters, and those who were excused payment, 2,422, the total deductions being 6,874, you had an addition to the constituency under this Bill of 8,865. The £7 franchise in the Bill of last year would have admitted in Edinburgh 2,770. So that the right hon. Gentleman was proposing to enfranchise three times the number which the Bill of last year would have let in. Far be it from him to express regret at this. But certainly this was a remarkable termination to the fifteen years' controversy which had gone on upon this subject. In 1852 Lord John Russell proposed a £5 rental franchise in Scotland. From that time to the present hon. Gentlemen opposite had been eloquent upon the dangers which would ensue from extending the franchise. The result now was that, whatever the Bill might do for England, they had come to the deliberate conclusion that in Scotland every man who paid his rates was entitled to the franchise, the result being to increase the number of voters three times beyond that by which they were so terrified last year. It was not important to taunt hon. Gentlemen with their previous opinions—first, because it was so easy that it was worth nobody's while to do it; and secondly, because he was not disposed to taunt them for coming to a sound and practical conclusion. For years the Liberal party had been entreating the present Government and their followers to put faith in the people. They were now showing their opinion that the people might be trusted. He did not taunt them with this. But when some of them boasted that the Government Bill would not enfranchise in England the numbers that would have been enfranchised by the Bill of last year, it was well to contrast the different treatment of householders in

England and in Scotland, and to remind hon. Gentlemen, also, of their opposition to former proposals for increasing the franchise. He remembered a speech delivered by the right hon. Gentleman the Chancellor of the Exchequer in 1865 which struck him very much, and which made a great noise in the country. The remarks of the right hon. Gentleman then were very different from those which they had just heard. The right hon. Gentleman, speaking of the Bill of 1859, said—

“All that has occurred—all that I have observed—and all the results of my reflections, lead me to this more and more, that the principle upon which the constituencies of this country should be increased is one not of Radical, but I would say of lateral reform—the extension of the suffrage, not its degradation.”—[3 *Hansard*, clxxviii. 1702.]

Then the right hon. Gentleman went on to say that though the Government of Lord Derby had agreed to a lowering of the £10 franchise, his present opinion was opposed to any course of that kind. Yet, with respect to Scotland, they had come to this in substance—namely, not a £7, but a £4 rental, because every man above £4 was personally rated, and therefore would be admitted to the franchise. Though he was unfashionable enough to prefer a Bill like that of last year to a measure for household suffrage or a £4 rental, he was not afraid of “government by numbers,” or any of those platitudes which hon. Gentlemen opposite had indulged in so much last year, but which had now been buried so as never to be likely to be raised again. He had always thought that the amount of the franchise was a matter of detail. He had no fear of intrusting to the people such an amount of political power as would enable them to decide who should represent them in Parliament. Although the proposals of the Government went far beyond anything ever proposed in that House in the way of enfranchisement, he did not see why it should not work for the benefit of the country. As far as the abstract proposition was concerned, he had no reason to oppose it. But he could not quit this subject without one word, and it was this:—The circumstances under which an extension of the suffrage might be dangerous were that those who had hitherto strenuously opposed it were now found to be its strongest supporters. It was dangerous, first, for this reason, that it encouraged those who had by agitation obtained this concession. It encouraged the most light, the most volatile, and those who were least to be relied upon, to be-

lieve that they had only to repeat the same means in other instances to secure the same result. It was dangerous, also, because it lowered the influence which the great Conservative party ought to have. [*Laughter.*] He repeated that the probable effect of this measure coming from the other side—though he did not deny there were some practical advantages in its so coming—was to limit the proper and legitimate influence of the Conservative party. It cast loose many of the political sympathies by which political combinations were bound together, and would probably raise questions which would otherwise have slumbered. He would, however, make a suggestion to the right hon. Gentleman. He would strongly urge upon the Chancellor of the Exchequer that no fitting basis for the Scotch franchise could be found in the personal payment of rates. It was really equivalent to household suffrage with a £4 limit. If this was the object of the Government, it ought to be accomplished in a straightforward manner, and in such a manner that the present simple system of registration might be preserved. Let the parochial Board send in an annual return of those who were not rated, or who had not paid their rates, to the assessors, who would then be able upon their information to make out the electoral roll, and there would be no necessity for the machinery now proposed. He had only a word to add. When the right hon. Gentleman asked that the vote of the other night should be final, when he complained that there were those who were not altogether inclined to follow that course, he begged to say that he would take every opportunity afforded him by those who understood the question better than himself to try that the same justice should be meted out to England as to Scotland. When they saw the Bill of the Government with respect to Scotland, the right hon. Gentleman would be obliged to explain why every man who honestly paid his rates there should have a vote, while those who paid them in England, but paid them in a different way, should not. Before proceeding further, he wished to express his gratification at the representation which, it was proposed, should be given to the Universities. It was only right, if credit was to be claimed at all, to say that it was to a Liberal Government that the Universities were indebted for the removal of the tests, as without their removal not a single step could be taken in the direction

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of Reform. With respect to the county franchise, he trusted that some provisions in regard to residence would be enforced, in order to prevent that manufacture of faggot votes which had so long disgraced Scotland. With the same object, he thought that as a test of genuine occupancy the erection of some building on the land ought to be made a necessary condition. The proposals respecting the redistribution of seats he would not then touch upon. The idea had crossed his mind that Renfrewshire, Lanarkshire, and Roxburghshire would be considerably affected. He thought, on the whole, that Lanarkshire had been well selected. The consideration of those points would, however, come more properly on a future occasion. He was sure that the objects of the Bill would receive the fair and candid consideration of the House.

SIR JAMES FERGUSSON said, that it was not to be expected that in a matter of such importance no objection should be taken by Gentlemen on the other side to a measure introduced on that side of the House. It was only to be expected that different opinions might be held on some of the fundamental principles on which the measure was based. The Government, however, had no reason to be displeased with the remarks of the right hon. Gentleman, which dealt more with omissions than with anything that had been stated by his right hon. Friend the Chancellor of the Exchequer. In the first place, he would answer one of the criticisms of his right hon. Friend opposite by saying that the principle of the Bill did not involve matters of statistics as to the number of voters to be enfranchised. The scale of enfranchisement had not been either restricted or enlarged by regard to numbers. The Bill was based upon a wholly different principle—namely, that those who fulfilled public duties should be admitted to the franchise. The reason why so much discussion took place as to the numbers to be enfranchised by the Bill of the late Government was that that Bill had been avowedly introduced upon the principle of numbers. Both in 1860 and in 1865 a claim was made upon the favour of the House on account of the smallness of the numbers to be added. When the late Government introduced their Bill upon that principle it was not surprising that the House of Commons should have entered into a critical examination of the figures; and, when found illusory or incomplete, that

they should have asked for some explanation. The hon. Gentleman had said that the payment of rates could afford no foundation for the Scotch franchise. But it was not only a possible but a very excellent basis. In the majority of parishes in Scotland the tenants paid the whole rate and deducted half of it from the landlord's rent. Thus the personal payment of rates was a principle already in force in Scotland. His hon. and learned Friend had given an estimate of the number of those whom he believed would be enfranchised by this measure in Edinburgh. But he understood that in the city and parish of Edinburgh no one renting a house below £5 was rated to the relief of the poor. So that no fair estimate of the number to be enfranchised could be gathered from the number of houses rented at and above £4. Houses rented at £4 were, it was true, rated to the relief of the poor in the other, the West Church parish. But there was a wide difference between a £4 rating and a £4 rental. In any case, the numbers would not be so extensive as his hon. and learned Friend appeared to anticipate, though, to do him justice, his hon. and learned Friend appeared to entertain but little apprehension about the admission of fresh voters to the franchise. The numbers would not be overpowering. The increase to the borough constituencies would scarcely exceed 100 per cent. His hon. and learned Friend had in some manner congratulated Her Majesty's Government upon the trust of the people which they had exhibited in their proposals for the extension of the franchise. But to a charge of not trusting the people, neither Her Majesty's Government nor the Conservative party had ever, in his opinion, exposed themselves. In 1859 a Conservative Government proposed a large addition to the constituency of the country. That fact in itself ought to free the Conservative party from any such imputation. He could not, at all events, see anything inconsistent in a measure so liberal as the one now before the House being introduced by the Conservative party. Because one party had inscribed "Reform" on its banner he could not understand why that party should monopolize the attempts to admit at the proper time a number of our fellow citizens, well qualified to exercise the trust, to the franchise—an object in which all well-wishers to their country should be willing to co-operate. Because they had objected to attempts to deal with this

question when those attempts held forth no prospect of arriving at a settlement, that was not, as far as he could see, any reason why they should be debarred from introducing a measure based, as they believed, upon more satisfactory and lasting principles. On the contrary, now that there was a probability of this question being carried to a happy solution, he thought that it was greatly to the advantage of the country that its management had been intrusted to those who could call to their assistance moderate men of all parties. He would add but one word. By the system of grouping and distribution adopted in this Bill—a system upon which his hon. and learned Friend had not largely entered, but to which he referred with some amount of deprecation—he thought that many of the irregularities and inconsistencies of the Reform Bill of 1832 had been remedied. On the whole question, believing as he did that the majority of his countrymen were by their education and intelligence fully qualified to possess the franchise, and that the residences in Scotland, as a rule, were inhabited by men in a better social position than were those of a similar rental in England, he trusted that the measure was one which would recommend itself to those who desired to effect an improvement in the representation of their country.

MR. BAXTER said, that as a humble supporter of the measure of last Session, he rejoiced in being able to support the measure which had been introduced, and which gave a far greater extension of the franchise than that proposed by the former Bill, as far as Scotland was concerned. He wished to know was there to be any alteration as to the practice with regard to assessment in cases of owners above £4; and whether facilities were to be given to occupiers below that line to come upon the electoral roll. He had been all his life a strong advocate for a wide extension of the franchise to the people of this country; but he felt it would be bad policy on the part of the Government to extend the franchise in Scotland below the £4 line. Without any fear of being taunted for treating the matter from a Conservative point of view, he approved of what the Government had offered. He thought if their friends in England had an opportunity of seeing how well the franchise worked in Scotland they would not rest satisfied with the proposal of the Government, but never stop until they had obtained for England that mea-

sure of justice which the Government were willing to give to Scotland. It was said there was no bribery in Scotland and he was glad to hear it, but they had a system of creating faggot votes in the counties which was extremely discreditable, and which the Government had now a fair opportunity of remedying. With regard to the re-distribution of seats, he must say he had never advocated that Scotland ought to have so many Members as some said she ought to have. He knew the difficulties with which any Government would have to contend with from both sides of the House in regard to any scheme of re-distribution. He therefore did not feel disposed to object when the Government only gave them seven additional Members, because that was the proposal of last year. Under all the circumstances, it was not to be expected that the Government would give them more. But he was satisfied that the boroughs, which were increasing in such a remarkable manner, would be excessively dissatisfied when they found that they were to get only two more additional Members. The wealth of Scotland had of late increased far more in the boroughs than the counties. He questioned very much whether there were any towns in the world that had increased so much in wealth and general prosperity as some of the large towns in Scotland during the last fifty years. Take the town of Dundee. The increase of wealth and population in that borough was greater than in any in the United Kingdom, he believed. It had 100,000 inhabitants, and yet it had only one Member. He was therefore satisfied that the people of Dundee would complain, and with very great reason when a measure like this was introduced, that their claims were entirely overlooked. Although attached to the system of representation by counties and boroughs, and not desiring to see it materially altered, he did not wish to draw too hard and fast a line between towns and counties. Some of the counties in Scotland were very small, and he could see no reason why the electors of Selkirkshire should not be joined to the electors of Peeblesshire. On the question of the borough franchise, if they were to understand that it was to be a £4 rental, he believed it would give general satisfaction in Scotland.

MR. GRANT DUFF, reserving to himself full liberty to take any necessary objections on future stages of the Bill, thanked

Mr. Baxter

the Chancellor of the Exchequer for what he had done for Scotch Universities; his offer was the most liberal that had ever been made in this respect. He also thanked him for the proposal made with regard to the burgh franchise in Scotland, which would give something like finality for the rest of the century—those thirty-three years which had been described as “a political eternity.” But he asked whether the strange position of the House had not been made more strange by the Scotch Bill? Whether the leaders of his side of the House were or were not right in their views as to the immediate results of the English Bill, no reasonable man could doubt that in a very few years, if not in very few months, we should have virtually the same franchise from Land’s End to John O’Groat’s, and that franchise would be a lower one than any politician dreamt of a year ago. Who, when Lord Russell came in, and set about spending his fine majority like a gentleman, dreamt that we were coming to what we had? Neither he who wished nor he who feared to advance in a democratic direction had dreamt it. The truth was events had been too strong for men. The House had not mastered them. They had mastered the House. It was more easy to describe what had happened than to explain it. They had been carried along by the stream of tendency. The spirit of the times was using them as his instrument and working through them; but, when all was said and done, what a spectacle was presented, what a shipwreck of reputations, what a comedy of errors! He spoke from the point of view of one who neither wished for household suffrage nor deprecated it—from the point of view of one who believed and always had believed, that far too much was made of the question of the franchise, both by those who had urged and by those who had resisted its extension. He was firmly persuaded that although an extended franchise was a political necessity, and would do good partly by introducing into the House a certain number of persons who spoke more directly the opinion of the working classes than was done by any at present in the House, and partly because the troubling of the waters now going on could not fail to give an impulse to Liberal views; he was firmly persuaded that, after the great cataclysm that had been predicted, things would look very much as they did now, and that feeling was, he suspected, shared by many in the Liberal

camp. But what could be the feelings of hon. Gentlemen opposite and of some on his side? Either the denunciations of democracy, so often heard of late, were wild rhapsodies, or those who uttered them must now be in a position which reminded him of a certain grim old German picture, in which a crowd of princes and prelates, knights and ladies, were gaily approaching a portal which appeared to lead to Abraham's bosom, but which an inscription at the bottom informed the spectator led really to quite another place. "The irony of the situation" had been recently spoken of, but surely the situation was ironical in another and not in a party sense. How many people were there in the House of Commons who really, *ex animo*, desired to go beyond the £6 rental burgh franchise of the hon. Member for Leeds and of Lord Palmerston's Bill? He was sure at this moment the majority of the House were conjugating to themselves, "I don't want, thou dost not want, he does not want, we do not want, you do not want, they do not want, to do so." And yet who did not see that the old £6 limit was "gone, frozen, dead for ever?" The Fates and the Destinies, at whom he scoffed, had beaten the right hon. Member for Calne. The irony was Sophoclean; the Bishop of St. David's should add a new illustrative page to his memorable essay. But what was the moral of the whole affair? If events had become too strong for them, and they were being hurried beyond what most of them desired, it behoved them to come to some agreement upon the question with all speed, for no one could watch what was passing in the country, or read the newspapers, without coming to the conclusion that, if the question of Reform were kept open much longer, the hon. Member for Birmingham would be in the position of a Girondin. Any one who had ears to hear, must hear from time to time now, in the press, a sharp querulous note, quite different from, and far more ominous of evil and danger, than what he might call the brave, hearty, English bellow of the hon. Member for Birmingham, with whom many Gentlemen on the Liberal side of the House agreed in ninety-nine cases out of 100, and who really ought not, when he went down to his burgh, to abuse his best friends so loudly, if once in a way they chose to call their souls their own.

MR. BAILLIE COCHRANE said, he congratulated the Government upon the production of a Bill which appeared to

give satisfaction to both sides of the House. Whatever might have been his idea with regard to the reduction of the franchise in England, Scotland, in his opinion, had always occupied a different position, owing to the extent to which education was carried among the lower classes in that country. Statistics, he believed, would also establish satisfactorily that in Scotch elections hardly any of those immoral and corrupt practices were brought to bear which prevailed extensively in England. The right hon. Gentleman (Mr. Moncreiff) had attacked the Chancellor of the Exchequer for what he conceived to be an inconsistency in his Bills. But in Scotland personal liability to the payment of rates existed, so that the principle in England and in Scotland would be identical. He hoped the House would not object to the proposed addition of seven Members to the Scotch representation. In fact, if the fair proportions were observed, he believed they would have a right to twenty-two. At the present moment each of the fifty-three Scotch Members represented an average population of 59,000, whereas the 500 English Members only represented a population of 35,000 each. If they took wealth, population, or education, as the test, Scotland was entitled to an addition of twenty-two Members. Still he supposed they must rest satisfied with the proposal of the Government, which at all events would do one great act of justice, in giving real county representation. Where the large centres of manufacturing industry had grown up in the South of Scotland since the Reform Bill, they voted for the burghs, and there was therefore very little county representation at all. He thanked the Government for having introduced a Bill which would give universal satisfaction.

MR. DUNLOP said, he believed the Chancellor of the Exchequer was in error in stating that there were no compound-householders in Scotland. All houses under £4 rental were by law compound-houses. Every occupier was liable to be rated, and those who imposed the assessment could not resolve that all occupants under a certain rental should be relieved of the payment—it could only be done individually. There were a number of houses under £4, the occupiers of which did not at present find their way on to the electoral roll. Under this Bill they would be capable of being placed upon it, and, belonging necessarily to the class most

liable to undue influence, he feared that the result would be to introduce into Scotch constituencies those elements of corruption from which hitherto they had happily been free. He looked accordingly with unqualified distrust upon that part of the Bill, of which, in other respects, he approved.

SIR JOHN OGILVY said, that having been absent from accidental circumstances when the statement of the right hon. Gentleman was made, he had gathered but imperfectly the details of the Government proposal. He felt bound, however, to take the earliest opportunity of entering his dissent from those proposals, as far as he understood them, believing that they would be received with great dissatisfaction and disappointment, if not with indignation. His constituents had especial reason to complain that the claims arising to increased representation on the score of their increased and rapidly increasing population had been overlooked by Her Majesty's Government. The town of Dundee was a rapidly thriving place, and had 120,000 inhabitants. He therefore considered that it was entitled to more consideration than it had received.

MR. LAING said, that as regarded the question of the borough franchise, he was disposed frankly to accept the proposal of the Government. When the English borough franchise was brought under consideration he was more favourable on the whole to the £5 plan than to that of household suffrage with personal rating. He voted to that effect in the division that took place before Easter, but with considerable hesitation, because he felt that household suffrage coupled with personal rating was infinitely preferable in theory. He thought the former plan more likely to work well in England, because he was somewhat afraid of that which had been called the residuum in some of the large towns where education had not reached that standard which would make it safe to give the franchise to all householders without exception. The House having expressed, by a clear and decisive majority, its approval of household suffrage coupled with personal rating, he thought it his duty to acquiesce in the decision and endeavour to make the best of it, rather than to attempt, by successive divisions, to reverse it. But whatever difficulty he might have felt in that respect as regarded England, he felt none as regarded Scotland. The standard

Mr. Dunlop

of education there was such that largely as this Bill would increase the constituencies, it would not increase them to a degree that would be dangerous. The residuum of which there had been so much fear in England did not exist at all in many of the Scotch boroughs, and in many of the large towns it did not reach any great magnitude. As regarded the county franchise, some consideration was due to the question whether it ought not to be somewhat lower in Scotland than in England, especially if the property franchise were to be retained at the same figure as at present. In that case in Scotland they could not obtain the 40s. franchise which existed in England, and which had given to the English counties a large body of independent freeholders. But he could not see why the rule applicable to England should not apply to Scotland, and he trusted that point would be considered before the measure were allowed to pass. He thought, further, that it was desirable to introduce some provision to guard against the manufacture of paper votes. This had notoriously taken place in many of the smaller counties in Scotland, to an extent which had gone far to overbear and swamp the independent and legitimate representation of the counties. As to the re-distribution of seats, he was sure that all the Scotch Members would feel grateful to the Government for their proposal to give two new Members to the Universities. Considering the claims of other portions of the Empire, Scotland could hardly expect to have meted out to her what she would be entitled to with regard to the statistical computation of rental and population. But he did not think it good policy to keep up distinctions between Scotland and England in matters of this kind. Scotland and England were one country in all but their historical associations. It would be unfair to the former not to admit her claim to the enfranchisement of Dundee and Aberdeen, which if situated in England would unquestionably be deemed entitled to two Members each in any new scheme of representation. These were the only two towns in Scotland not included in the scheme of the Government which possessed paramount claims to increased representation. As the addition proposed by the Government to the representation of Scotland was to be made by an addition to the total number of Members in that House, the doing justice to Aberdeen and Dundee

would be only a small matter if it was effected in that way. It would be better to give those towns an additional Member each, even if the Government had to abandon the grouping of those isolated boroughs of which the Chancellor of the Exchequer had spoken. Certain towns might be grouped. In the case of such counties as Peeblesshire and Selkirkshire, which had respectively unenfranchised populations, one of 10,000 and the other of 11,000, it would be a most glaring anomaly to take out their principal towns and add them to a group somewhere else. It would be far better to give additional county Members by grouping these two small counties.

SIR EDWARD COLEBROOKE said, that he recommended hon. Members to suspend their judgment upon the measure until they had seen and more narrowly scrutinized the proposals which the Government submitted to them. The right hon. Gentleman the Chancellor of the Exchequer had developed in his proposals the scheme laid before the House last year, when he threw out as a suggestion the mode of manipulating the counties in England, by picking the large towns out of the county representation, and placing that representation and the borough representation in antagonism, so that they might be separately represented. That was much condemned at the time, and every one thought they had heard the last of it. The scheme, if carried out, would make the representation too much in the nature of a class representation. The right hon. Gentleman was ungracious enough to take away the only considerable town in the county of Selkirk, but that could not be done without raising the question whether it would not become necessary to double up several of the small counties. Another point worth consideration was, that the Liberal party in Scotch counties had to fight their battles without the aid which arose in England from the freehold votes in the counties. If they cut away the towns from the counties they would sever from the counties those freeholders who constituted in Scotland, as in England, the strength of the county representation. Another proposal was to divide some of the large and most populous counties into two, and that was unquestionably a very large and important proposition. If Her Majesty's Government proceeded in that direction he should follow them, for he considered that the large overgrown counties might well be divided. But if that

principle were to be carried out why was it limited to three particular counties in Scotland? With regard to the question of compound-householders, he would remind the House of the nature of the law with regard to Poor Law rating in Scotland. The local Boards in that country possessed a general power of exempting not merely individuals, but whole classes, and under the operation of that power Poor Law Boards had exempted, in some cases, all below £4; in other cases all below £5; in other cases all below £10, and in one case below £30. Unless there was to be some change in that law, he deprecated giving to the local Boards elected for the purpose of administering the Poor Law, a power which might be used for political purposes. The power they exercised at present was far more dangerous than that which was placed in the hands of the vestries in England.

MR. BOUVERIE said, he did not wish to protract the discussion, neither did he desire that it should be supposed, from his silence, that he was an assenting party to the proposal before the House. The House would do well to examine more closely into the operation of that proposal. He could not help thinking that the Chancellor of the Exchequer, who knew a great deal about a great many things—more, perhaps, than most others in the House—did not know a great deal about Scotland. Indeed, he did not suppose the right hon. Gentleman would pretend to know much about that country, and his judgment had no doubt been influenced by some person who was better acquainted with the subject than himself, who had, perhaps, influenced his judgment in a way which, if he had had more acquaintance with the subject, he would not have permitted. The right hon. Gentleman's principle—if principle it might be called—of dealing with the re-distribution of seats was simply to extract from the counties all the urban population, so that every town in Scotland above 6,000 inhabitants would be manufactured into a borough and turned into a group, and the counties would then be purely rural. The whole of the urban electors in the different counties were to be turned into the boroughs to relieve the landed interest of the urban votes. He thought the House would not be prepared to support such a proposition. The group which he had the honour to represent was one of those which would be affected by it. Kilmarnock, a thriving

manufacturing town of about 25,000 inhabitants, was now united to a number of boroughs with which it had no connection except a political one. The marriage however, was not, in these days of railways, inconvenient. Nevertheless, it was proposed to dissolve the existing tie between them, and to unite Kilmarnock to other boroughs with which it had no interests, not even political interests, in common. He was unable to understand what public object was to be gained by such an arrangement. But it was a less important matter than the question of the county votes. The right hon. Gentleman proposed to bring down the county occupation franchise to £15; but if the proposal were to be accompanied by a total absence of restrictions with regard to residence and building on that occupation—as was the case in the Bill of last year, very much to the distaste of many hon. Gentlemen—no improvement would be effected in the county representation of Scotland. He trusted both sides of the House would insist that the proprietary franchise in Scotland should be lowered to something about the figure at which it now rested in England. A £10 annual value was required in Scotland, while in England only 40s. a year was required. Why should there be any distinction in this respect between the two countries? He hoped it would not be taken for granted that the proposals of the right hon. Gentleman would necessarily, and as a matter of course, be accepted by hon. Gentlemen on that side of the House. The right hon. Gentleman had not stated where the proposed additional seats were to come from; and he wished, therefore, to ask him whether English seats would be taken from boroughs which it had not yet been proposed to deal with, or whether it was intended that there should be an additional number of seats in the House?

MR. M'LAREN said, he thought the proposed borough franchise would work exceedingly well in Scotland, and he accepted it with all his heart. He agreed with what had been stated by the hon. Baronet (Sir James Fergusson) that the effect of a £4 rental franchise in Scotland would hardly be to double the constituencies; but even if they were doubled, he was quite satisfied that it would be a good, sound, and honest franchise. With regard to the line below £4, and the proposed alteration in the Poor Law assessment, he suspected that there had been some misunderstanding. In some parishes there were very few ratepayers,

Mr. Bouverie

and they did things by rule of thumb in some instances; but the rule in Scotland, under the Lands Valuation Acts, was that the public valuator only was bound to return the houses assessed at £4 and upwards; and although the authorities might order a special survey to be made, and a special list to be prepared of those under that limit, still the expense of making the special survey and the trouble connected therewith were so great that it did not pay; and in point of fact the authorities had nearly given up trying to make it answer. The result was that in the large boroughs they did not levy upon houses under £4; but in smaller boroughs, where rents were very low, they did levy under £4. And he would remind the House that those living in houses under £4 in small boroughs were not necessarily less reputable persons than those living in houses above £4 in large towns. And even in large towns there were differences. A house which would let for £3 a year in Paisley would let in Greenock, which was in the same county, and which was only a few miles off, for £5 or £6. Every one knew, however, that there was a class of improvident people in large towns who lived in miserable hovels, to whom it was not very desirable to give the franchise. As regarded the English Bill, the hon. Member (Mr. Watkin) had given notice of an Amendment that no occupancy in England should be held to be a "house" within the meaning of the Act unless it contained at least two apartments. He (Mr. M'Laren) had given notice in regard to houses below £4 rent in Scotland that they should not be considered "houses" unless they also had two apartments with a window and fireplace in each. He thought that principle, if adopted, would work well. It would admit a large number of the working classes in burghs where rents were low, and in which such houses could be got for £3 and even less, in all respects equal to houses at from £4 to £6 in large towns. As to the county franchise, if that was to be £14, he thought it would be most objectionable; for it could not be considered except with reference to what was proposed to be done respecting the small towns in the counties. There were probably 100 towns in England with populations above 6,000 inhabitants, but no one had proposed to take and unite them with boroughs in the neighbourhood or out of their own county. Why, then, was one law to be applied to England and another to Scotland? Why were the

towns of 6,000 population in Scotland to be carefully weeded out of the counties? The consequence would be that the counties would become purely agricultural preserves, and that the occupants of houses in the transferred towns, which now have some influence on the county representation, would then have none whatever. If the Government took all the occupants of houses of £14, who would make admirable voters for counties, out of these counties, and made them portions of boroughs ten, fifteen, or twenty miles distant, what would they get by their new county franchise of £14? They would only get a wretched class of small cotter farmers—men who in the Highlands are called crofters—a class of men analogous to the 40s. freeholders of Ireland, who were abolished by Parliament many years ago. In this way they would deteriorate the franchise, and such a Reform Bill would be a reactionary measure. When the right hon. Gentleman the Chancellor of the Exchequer was asked about the Scotch Reform Bill, a few nights ago, he answered that it would be the same as the English Reform Bill. He (Mr. M'Laren) wished to know why this had not been done, and why Scotland should not have a county franchise the same as England. In the Reform Bills that had before been proposed for Scotland there had been a reduction proposed of the property qualification. One of them proposed to reduce it to £5, and another to £6. But these limits did not satisfy the people of Scotland. An agitation was commenced to obtain the 40s. freehold franchise the same as in England, because such a measure would be just in itself, and because it would introduce a class of voters who were both the owners and occupiers of the houses, and who were the very cream of the working classes. A technical difficulty about freeholds was thrown in their way, though a *bond fide* freeholder was just as well understood in Scotland as in England. In Scotland a freeholder technically meant one who enjoyed a charter direct from the Crown; but there were abundance of properties in Scotland held otherwise than by Royal Charters, which would give freehold votes in England. He need not explain to hon. Members what a freeholder meant in England. For these reasons he thought the county franchise was exceedingly objectionable, as were all the arrangements respecting counties. He would give an example. The county of Dumbarton had been referred to. The thriving watering

place of Helensburgh was within the county, and so was the considerable manufacturing town of Kirkintilloch, containing a population above 6,000. If any one would look at the poll books for the last election, he would find that the Liberal candidate had a large majority in the districts which included these towns. Any one who could reason logically would see that to take these towns out of the county of Dumbarton would change the state of politics in that county. With respect to the county of Renfrew, it would be found that if the towns of Pollockshaws, Johnstone, Lockwinnoch, and Barrhead were taken out of the county, the same results would be produced. He did not ascribe motives—he called attention to the facts. He contended this was not a fair or impartial arrangement, and that it was calculated to have a reactionary influence. He objected to the Bill for another reason. Scotch burghs were already clustered together in groups of five, six, or seven, to an unreasonable extent. Instead of breaking up those clusters, and giving separate Members to the larger burghs, they took the large towns out of the counties and added them to the clusters without adding to the number of Members. The right hon. Gentleman said that he took Hawick and Galashiels by way of strengthening the Haddington burghs, thus increasing the population to about 24,000. The Haddington group already consisted of five burghs, the inhabitants of which amounted to 13,000. Why should they strengthen Haddington, which had only one Member, while many boroughs in England, with a population of 10,000, had two Members? Why should not Haddington be left alone? The reason was that by taking Hawick and Galashiels out of the counties they would strengthen the power of the landlords. It would be observed that they did not by this proceeding add to the power of the town Members in the House, because Haddington returned one Member now, and it would only return one Member then. So much for the manipulation of the counties. He could not catch the names of all the places that had been mentioned. The House had reason to complain that no Paper had been laid upon the table showing the population of the various towns which were to be taken out of the counties, or of the groups of boroughs as they stood at present, and as they would stand under the proposed arrangement. The counties were to have

three additional Members, though they had not grown in population nearly so much as the boroughs, which were only to have one additional Member, for he did not include the University representation. If they went back to former times they would find that at the period of the Union, when Scotland had a Parliament of its own, and the people might be supposed to be qualified to manage their own affairs, the counties had thirty-eight Members and the boroughs forty-three. When the Union took place, forty-five Members were allotted to Scotland—more than the population or wealth of the country at that time could claim, and it was left to the Scotch Parliament to determine how these were to be distributed. The grandes who then sold their country [*A laugh.*—why the price they received was on record—having the power to do as they liked, gave thirty Members to the counties and only fifteen to the boroughs. That was the way in which the burghs were robbed. By the Reform Bill of 1832 that injustice was in part redressed, and eight Members were added to the boroughs without one being added to the counties. By the present Bill three Members were to be added to the counties, and only one to Glasgow, and one to a new group of burghs, though everyone knew that the increase in the counties of Scotland was much smaller than in the towns. The counties had increased only 65,000 in the last ten years, while the boroughs had increased 107,000 in the same time. In the large county of Perth the population had diminished by 7,000, because the people were driven away to make room for deer forests. The same thing was taking place in other districts; and the increase in the counties was in the small towns which had sprung up during the last ten years—not in the agricultural population—and to take them out of the county constituencies was, practically, to increase the representation of the counties and the power of the landowners. The Bill, in respect of distribution of seats, was therefore unjust and ought to be resisted. Then, if the boroughs were to be put into groups why should not the counties be so also? The two principal towns of Selkirk and Peebles were royal burghs, and had been left in the counties to make up their several populations of 11,000 and 10,000. These two small counties ought to be united. Why should not these counties, which had between them a population of only 21,000, be united? If they went further North they would

find the county of Sutherland with only 181 voters, and three-fourths of the property in the hands of one landowner. Why should not that county be united with another? The Bill, apart from its borough franchise, was bad in its leading principles, and from not dealing justly with Scotland, and was a reactionary measure which ought to be resisted.

MR. GLADSTONE: As yet we have not obtained a word of information from any authoritative source upon a question which is of great interest to the three Kingdoms—namely, in what manner the additional seats proposed to be bestowed upon Scotland are to be obtained. The Government have presented a Bill which disposes of the whole of the seats in England. Not one English seat is left disposable for the wants of Scotland. The increase of the numbers of this House is a question of great general importance. It is a practical question not to say a Constitutional question, and it is hardly possible to suppose that the right hon. Gentleman the Chancellor of the Exchequer could contemplate an augmentation of the numbers of the House without having stated it to the House as a political proposition of great breadth and weight. I remember a speech of the right hon. Gentleman—I have not referred back to it today, but it was made in 1852—when there were four vacant seats. The Government were then about to dissolve Parliament, and there was an understanding that no questions would be introduced except such as were of a necessary or urgent character. The right hon. Gentleman then defended the introduction of a Bill for the disposal of those four seats upon the plea not that this House consisted of too few Members, but that it was necessary to raise the House to the Constitutional number of 658. If the right hon. Gentleman attaches so much value to that principle, it confirms my belief that if he had intended to increase the numbers he would have stated his intention to the House with the significance the proposal would deserve. We seem, therefore, to be driven to this only other alternative, that he must mean to take away from Ireland the seven new Members for Scotland. That is the only part of the representation yet undealt with by the proposals of the Government. If he really intends to do anything so cruel, I trust he will not succeed. But, then, I should like to know whether an addition is to be made to the numbers of this House.

Mr. McLaren

That is a question upon which I give no opinion whatever except that it is a matter so important that we are entitled to expect that it shall be submitted to the notice of the House in a manner enabling us to pronounce a fair and impartial judgment upon it, so that, having a fixed number of seats to give, we may be able to give them according to the relative claims of each part of the United Kingdom. As far as the provisions of this Bill extend, I have no doubt that they will undergo a thorough investigation. I shall not now refer to the question of the county franchise or the re-distribution of seats further than to say that I think there is great force in what has been said by my hon. Friends and by other hon. Members relating to these subjects. With respect to the borough franchise it is necessary I should say a few words. These few words need not be the same as it has been my duty to use, and may be again, with respect to the extraordinary proposals which have been made for England, and which I must frankly admit the right hon. Gentleman is entitled to consider after what passed in the House the other night as in the main adopted by the House. I speak, therefore, in the character of one of the minority, and I will say a word as to the expectation which the right hon. Gentleman has now held out, and the concessions he is disposed to make. As to the Government proposal for the Scotch borough franchise, I must distinguish between the principal part and a portion of the proposal, which I cannot help hoping will be found only subsidiary and admitting of a remedy. The principal part of the proposal—I mean the plan of the Government with regard to householders below £10—gives within the boroughs of Scotland a large and liberal enfranchisement, without any odious and offensive distinction between man and man. That is a proposal which testifies to me the great progress that has been made upon the question of Reform in the mind, I do not say of the Government or of a particular party—it is quite unnecessary to go back into such matters—but in the mind of Parliament and the country. I cannot help fearing, however, that when we descend to the lower part of the scale in Scotland as in England—though the lower part of the scale there has a different relative importance—we get upon difficult and dangerous ground. I do not understand what answer is to be made to the speech of my hon. Friend (Mr. Dunlop).

At present our information is imperfect as to the state of the law and as to the practice in Scotland. But here is a point which may deserve some attention. Whether from policy or from what he feels to be due to the consistency of the Government, the right hon. Gentleman is determined to avoid introducing into the Scotch borough franchise what he calls “the hard line.” I have never been able to understand the intensity of the right hon. Gentleman’s hostility to “the hard line;” because, although he has undoubtedly constructed a plan for the franchise in England and now one for Scotland, in which no such line is drawn, yet, after all, if the principle of a line be so indefensible in the case of the occupying householder, how are we to defend the principle of a line in the case of an occupying lodger, and how are we to defend the principle of a line in the case of the county voter? I do not deny that there is an advantage in getting rid of a line; but will the right hon. Gentleman be able to get rid of it even in Scotland? I join with him in the hope that this question of the borough franchise will be discussed without any infusion of party spirit. The concessions made by the right hon. Gentleman to popular principles in the changes he proposes are so ample that it would be most unjust to except to them on the ground of quantity and extent. Still, it is necessary to see what their working will be, and here is one particular point. Under the Valuation Act in all cases where any lands or hereditaments are under £4 a year, and the names thereof are not inserted in the valuation roll, the proprietor of these lands and hereditaments is to be charged with and pay the assessment upon them. When charged with and paying such assessment, he is to have relief against the tenants and the occupiers. This is not a compulsory exactment; but it is an enactment which is in general operation. With regard to these lands and hereditaments under £4 the proprietor is the sole person chargeable. He is not chargeable upon a reduced rate. He is chargeable upon precisely the same amount as the tenant would be if he were charged. Inasmuch, therefore, as the proprietor can do it without the cost of one shilling to himself, will he not have every inducement to pay the assessment, not in his own name, but in the name of his tenant, and in that way to make voters of the whole of these tenants under £4, and, of course, to

use his influence over them? That appears to me to be a serious matter, and I do not think it is a desirable relation to create between landlord and tenant. Then, again, the 42nd clause of the Scotch Poor Law Act makes it lawful for the parochial Board of any parish or combination to exempt from payment of the assessment or any part thereof, to such an extent as may seem proper and reasonable, any person or class of persons on the ground of their inability to pay. The right hon. Gentleman, in his anxiety to avoid the hard line, places himself in this difficulty—that it depends upon the parochial Board to determine to what point the franchise shall descend. I do not think that is a satisfactory state of things. There is much in the suggestion of my hon. Friend (Mr. Baxter). I do not say that the opinion he has given is one which ought to be adopted; but I think we ought to consider whether it would not be desirable to make the line of £4 absolute so far as the borough franchise is concerned. If that is a conclusion adapted to the circumstances of Scotland, it would not be fair to Scotland to deprive her of a beneficial arrangement from the fear of some conclusions that may be drawn therefrom unfavourable to certain arrangements proposed for England. I hope that these matters will be considered, and that they will be considered as plain questions of business, it being fully admitted, I think, on this side of the House by all those who have spoken upon the subject that the spirit of the proposals of the Government respecting the burgh franchise in Scotland is such as we cannot but commend. But the right hon. Gentleman, along with a flattering allusion to myself which was far more than I expected or deserve, was pleased to allude to the difficulties which beset him and his Colleagues in treating of Reform. Alluding to speeches made out of this House, he said there had appeared in London since last the House discussed this question a regiment or a body of persons whom he described as incendiaries. [The CHANCELLOR of the EXCHEQUER: Obsolete incendiaries!] I should be rather inclined to take critical exception to the phrase “obsolete” incendiaries. I presume it means worn-out or superannuated incendiaries, though that does not make the phrase more complimentary. The right hon. Gentleman spoke also of “spouters of sedition.” [An hon. MEMBER: Stale sedition.] Yes, “stale sedition.” Now, I do not know that I

Mr. Gladstone

have made myself amenable to a charge of this kind. If so, I hope my conduct will be fairly challenged in this House. But as I have heard some of the speeches to which I suppose the right hon. Gentleman refers, I wish to make a few remarks on that subject. In the first place, I question the prudence of denunciations of this vague and general kind by officers of the Crown and by leaders of the House of Commons, couched in terms which it is easy for anybody to use against the most temperate expressions, upon the most reasonable subjects—terms which cannot be brought to any distinct test, and which the right hon. Gentleman does not at the time illustrate by informing us what are the particular statements and who are the persons that he thinks fit thus to characterize. I must say that the language of the right hon. Gentleman brought to my mind in a manner more than usually vivid the reflection that when authority comes into the field for the purpose either of forbidding or denouncing, unless it can carry its denunciations or prohibitions to some positive issue, it inevitably loses credit or power. If there have been “spouters of sedition” in London or elsewhere dwelling among us, who have received countenance from Members of this House, it is highly desirable that the right hon. Gentleman should call those persons to account before the proper tribunals, in order that if guilty they may be visited with adequate punishment; and if not guilty, that the levity of attacks of this kind may be apprehended by the public. As respects the difficulties which the right hon. Gentleman has had to encounter, they have arisen from the nature of the subject. There have been at issue, with regard to the constitution of the borough franchise in England, principles of great breadth and depth. The argument urged on behalf of the franchise proposed by the Government has been of very high pretensions. It has aimed at founding itself upon the fulfilment of public duties and the revival of old Constitutional principles. The objections taken to it, on the other hand, are not of a character to be settled by an adverse vote in this House. They rest on this—that, in the belief of those opposed to this franchise, the distinctions between those who are personally rated and those who are not is unjust, offensive, impolitic, and adverse to the fixed and general convictions of the country. The right hon. Gentleman will easily draw a distinction between convictions of a less

binding character, and the sense of an obligation, which cannot be escaped from, to save the House, to save the Legislature, to save the country, as far as may be, the inconvenience and even the peril of a protracted agitation, which in our sincere and deep convictions we believe must grow out of the attempt to found the basis of Parliamentary representation on such principles as these. To what I have said of the Scotch borough franchise as proposed to-night, I must add that the right hon. Gentleman is among his own most formidable difficulties as regards the English Bill. If he is discouraged with respect to his English Bill, I do not think he has any reason for discouragement with regard to the Scotch Bill, which confers the franchise without offensive distinction between man and man. If he is discouraged either as to the possibility of passing the English Bill through the House, or, as is more probable, as to the general acquiescence in it after it has passed, I must tell him that no one has struck a heavier blow at his English plan than he has himself aimed at it by his Scotch plan. Let him produce a plan which in its broad, main, commanding features shall give a wide and liberal popular enfranchisement, without offensive distinctions between man and man—let him do that, and he will find his difficulties vanish from his sight, and he will be able to come down and congratulate the House and claim just credit, not only for having conciliated opponents and disarmed opposition, but for having prepared for the acceptance of the people of England a plan worthy of their approval upon a question with respect to which almost all their minds are at this present time both excited and exercised.

COLONEL FRENCH said, he had listened very attentively to the speech of the Chancellor of the Exchequer, but that right hon. Gentleman had not even attempted to make out a case for adding to the Members of that House. At any rate, he had failed to show any case for adding to the Scotch Members. In ten counties in Scotland there were not 1,000 voters. What did the right hon. Gentleman mean by bringing in a Reform Bill for Scotland which left untouched Sutherlandshire with its 180 voters? In the matter of giving the counties of Scotland a fair representation nothing was done. Instead of putting large towns together, why not group the counties? It might be said that

Irish Members were not interested in this question. He maintained that they were; and upon the way this Bill was received much would depend of the course the Irish Members would take. The entire province of Connaught, containing 5,000,000 acres, sent to Parliament only thirteen Members. Could Irish Gentlemen be content with that when seven additional Members were to be given to Scotland—especially as the Members from that country were always to be found in the ranks of their opponents? ["No, no!"] He took his stand upon the merits of the case, and contended that Scotland had no claim to an increased representation. Ireland had a far greater claim.

THE CHANCELLOR OF THE EXCHEQUER: I freely admit that discussion on an occasion like the present is necessarily desultory, and that no Gentleman will be pledged by first impressions, whether adverse or the contrary. I have but one or two remarks to make as to the principle of the Bill, which the right hon. Gentleman (Mr. Gladstone) says is different from that on which the English Bill is founded. I regret if there is any difference. The intention of the Government was, that the principle of both Bills should be identical, and I have heard nothing from the right hon. Gentleman which conveyed to me any distinct reason why he should have adopted the conclusion he presented to the House. What we want as a recipient of the suffrage is a person qualified by the test we decided on, which, in our opinion, is the best, if not the only one that can be depended upon—namely, the *bonâ fide* payment of rates. That is the principle of the English borough franchise and of the Scotch borough franchise. It is true there is a difference between the two countries. In Scotland there may be a certain number of householders who would not be assessed to the poor, and who therefore are not privileged to come upon the register. But even with regard to these we have inserted a clause in the Bill which will give the same relief as in England is given to those who wish to fulfil those duties of citizenship which qualify for the franchise. The position of the two countries in that respect is identical. I am therefore at a loss to understand on what foundation the right hon. Gentleman grounds his anticipation of evil consequences—why he expects such popularity and success for the borough franchise in Scotland, and such dissatisfaction and disaster for the borough franchise in Eng-

land. Far from being discouraged by the reception which the Bill for the English franchise has met with, nothing that has occurred in this House in regard to that Bill is in my opinion of a discouraging character. It has been brought forward under circumstances of extreme difficulty. It was brought before a House not in general political sympathy with the Government. Yet by the influence of argument, reflection, and due consideration—because the proposal has been before the House, not for weeks only, but for months—and by that co-operation with the general feeling of the country which acts upon the feeling of this House, we have after due deliberation, in one of the fullest Houses which have met here for many years, recorded our opinion that the principle the Government have adopted is the right principle for the borough franchise. I see nothing discouraging in that. My views of a discouraging situation are therefore different from those of the right hon. Gentleman. I can truly say that not only are Her Majesty's Government not discouraged, but they are resolved to adhere to their policy, sanctioned as it is by the decided opinion of this House. Our policy on that point is one from which we will not deviate, and we cannot undertake the further conduct of this measure if called upon to deviate from that policy. Upon every other point—and there are points of great importance and interest—we will consult the opinions of the House. We have been willing, and are still willing, to consider these subjects. We shall assert and maintain our opinions; but if the opinion of the House is adverse to our own, no doubt information and reasons will be given adequate to the occasion, and we are prepared to consider them in a spirit of sincere respect and conciliation. I have one or two words more to add on this question. There appears to be some misunderstanding, which naturally arises on occasions of this kind, when leave is asked to introduce a Bill. First, as to the amount of the constituency. I never much care to offer an estimate of the amount of the constituency proposed to be enfranchised. But I am, perhaps, furnished with as good information on this subject as any other Member of this House. My belief is that the effect of the proposals we make in regard to the borough constituency of Scotland will be to double the amount of the existing constituency, and as the whole amount of the constituency does not much exceed 50,000

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or 55,000, I cannot conceive that these are numbers that ought to alarm any one. But the House will do me the justice to remember that I have never urged the question of numbers in these matters. We have rather urged the general interest of the country. We have endeavoured to found the franchise on a sound principle, and we believe that if that principle be sound the application of it will be safe. I think that the reduction of the value in the occupation franchise in counties as it is reduced by this Bill, is a prudent and proper course to pursue, but I see no reason to change that somewhat equivocal franchise called the property franchise. It is a copyhold franchise, which is equivalent in English counties to £10. It is a property franchise in counties. I may be told that it is only reasonable to establish a 40s. freehold franchise in the Scotch counties. If we were re-constructing the English constituency, do you think we should establish the 40s. franchise? I respect it, because it is an old franchise. It is as old as the Tudors, if not more ancient. It is not one, however, which fairly represents the moderate possession of landed property, which ought to be intrusted with the suffrage. I would not disturb it, but it is susceptible of considerable abuse. From what I know of Scotland, I believe it is always represented on paper, but in England the 40s. freeholders are a *bond fide* body. It is an ancient franchise, which has been extensively exercised and ought to be respected. But it is not a normal franchise which any judicious man would propose if you wanted the freehold interest of a country to be represented *de novo*. We are not therefore prepared to propose any change in the property qualification. The result of our proposal will be a very considerable extension of the borough franchise—I say double. In regard to the counties, there will be a considerable addition, but by no means so considerable as in the boroughs. I want to say one word on observations which have been made as to the elimination of boroughs of a minimum population of 6,000 from counties. I was prepared for what has been said by hon. Members opposite on that subject, but when they have well considered the matter they will find that their first impressions are erroneous. The intentions of the Government are very different from those which have been imputed to them. The conclusions of hon. Members are very natural, according

to the old Parliamentary traditions, but they have little foundation. The right hon. Member for Kilmarnock has imputed to me a knowledge of Scotland not equal to his own. I do not pretend to such knowledge. But I do not remember where I have seen counties so much studied with towns as in Scotland. We propose to take—how many towns out of counties do hon. Gentlemen think—to strengthen our interest? We propose to take eleven towns out of the counties, and the whole population of those towns is about 75,000. How any one can suppose that by taking eleven small towns out of the population of counties—towns that are rising ports, that are centres of mining and manufacturing industry, and which ought to be represented—how any one can suppose that that can affect the representation to any great extent—the population of these towns being only 75,000—is to me perfectly surprising. I have placed before you the relative amounts of population of boroughs and counties. I do not want to take population, however, as a mere test. I have shown you that there is an excess both of population and property in counties. An excess of population of nearly 600,000, and that in point of annual value that of the counties is double. What will happen if those eleven boroughs are taken out of the county constituencies? The population of the counties will still exceed by 500,000 the population of the boroughs, and the value of the counties will exceed by £4,000,000 the value of the boroughs, which is only £4,600,000. Another hon. Gentleman, the Member for Lanarkshire, seems to suspect that the Government had formed a dire plot for dividing the county that he represents. The reason why we divided that county into three is that it is seventy miles long. By the Bill we are about to introduce, we shall propose the same regulations as to boundaries as in the English Bill. It is totally out of the power of any Ministry or political party to arrange or “doctor” the boundaries of any county and borough. What we propose in England we shall also propose in Scotland. We propose that certain gentlemen of great eminence, of political experience, and high character shall be appointed as Boundary Commissioners. I am not authorized to mention the names of those who will take the leading part, but there is one whose name, if he accepts the office, will be received with universal respect and confidence. Therefore that puts

an end to all the observations of possible jobbery or political contrivance in the division of these counties. The same hon. Member said that there is a number of parishes in Scotland in which there is no rating at all, and he thought that this was a great reflection upon our plan. We have ascertained that there are forty parishes in Scotland in which there is no rating; but with one insignificant exception, that of Wester Anstruther, those parishes are in counties and not in boroughs. The conclusions, therefore, drawn by the hon. Gentleman as to the inadequacy of our materials for the settlement of the borough franchise, on the ground of there being a great number of parishes in which there is no rating, fall to the ground. I believe I have now answered every material question which has been addressed to me, with the exception of one important question, which has several times been brought forward in the course of the discussion. Where are these additional Members to come from? In the first place, I may say that they will come from the constituencies. But the right hon. Gentleman (Mr. Gladstone) says it is a “practical question” how these Members are to be obtained—which it undoubtedly is, “not to say a Constitutional question”—for he was very guarded in his language. In 1852, there occurred one of the many contests which I have had with the right hon. Gentleman. It was on the occasion of my proposing to apportion the forfeited seats of St. Albans and another corrupt and insignificant borough, the name of which I have forgotten. [An hon. MEMBER: Sudbury.] I proposed, I believe, to give them to Birkenhead, South Lancashire, and the West Riding. The right hon. Gentleman opposed the measure, and in that as in several other instances was successful in his opposition, the result being to deprive those constituencies for a considerable period of those representatives which, after seven years of experiment and failure, the Government of which he was a Member was obliged to assign them. I agree with the right hon. Gentleman that this is a “practical, not to say a Constitutional, question;” but who said it was a Constitutional question in 1852? I was the person who maintained that it was a Constitutional question, and for a reason which I should be prepared to urge again under similar circumstances. We were on the eve of a General Election, and one of the arguments I used was this. If you are going to dissolve Parliament, let the people elect as large a number of

Members as the law permits—let them elect a full House. That—not the number of 658—was the Constitutional question. But what has that to do with the question we are now considering? The right hon. Gentleman wants to make out that there is a great Constitutional principle at stake with regard to the proposal of the Government involving an increase in the number of Scotch Members. But what did he say in 1852? He totally dissented from me, and said he saw no magic or cabalistic charm in the number 658. He thought it perfectly absurd for me to lay any stress on the importance of going to the country with the full Constitutional number of 658, for he saw no magic, no cabalistic charm in that number which ought to induce the House to take so rash and precipitate a step. Well, Sir, I, too, see no cabalistic charm in the number 658. I believe it is much more important that there should be a fair and adequate representation of the people of Scotland than that we should adhere to a conclusion which no man can pretend to regard as anything but a practical and not as a Constitutional question. I am not prepared on the part of the Government to diminish the representation of England in order to increase that of Scotland. That representation might, no doubt, be much better distributed. We have brought forward a measure which will, I believe, distribute it to much greater advantage—a measure which will confer representation on flourishing towns having separate interests, whose population and industry give them a fair claim to be represented in this House. It is to the advantage of the country that they should be represented, and no one can suppose that in making that proposition we are trying to strengthen the rural interest by eliminating those communities. Everybody who has studied the question admits that those places have been properly selected, and I have not heard a single person demur to that selection. It is, of course, possible to conceive a much more extensive redistribution of representative influence. But I very much doubt whether anybody could make a proposal to that effect with any expectation of seeing it carried. Circumstances and experience will gradually effect those changes which may become necessary, and as new interests arise it is well that there should be in this country a fund of representative power in order to meet those requirements. It was by a

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sacrifice of the representative power of England that Scotland obtained an increased number of Members in 1832; but I think it would be most unwise to put any further strain upon that power, or upon the fund which we possess. We have once liberally and handsomely assisted Scotland, and I am not prepared to recommend any further step of that kind should be taken. This remark is not at all preliminary to a proposal to reduce the number of Irish Members. My hon. and gallant Friend (Colonel French) need not suppose—though his countenance indicates that he does—that I am going to make any proposal of that kind. But he will allow me to say, with all respect to himself and his countrymen, that I think they have at present a very fair share of Parliamentary representation. The Irish representation may, like the English, be very much improved. But, as far as numbers are concerned, I do not think they have any cause to complain. At the same time, it is not my wish that those numbers should be diminished. What, then, is the conclusion? If the number of Members in England ought not to be diminished, if the number of Members for Ireland ought not to be diminished, and if it is clearly made out that there is not a fair and adequate representation for Scotland, is Scotland to remain in its present position because the question of increasing the Members of this House is “a practical, not to say a Constitutional, question?” Sir, if it were both a practical and a Constitutional question, I should be prepared to meet it. On the part of the Government, I shall make, with regard to an increase of the Members for Scotland, the proposal which I have not the slightest doubt Parliament will, in its wisdom, adopt. I doubt not that Her Majesty will, in due time, in the exercise of Her prerogative, seal the verdict of both Houses of Parliament on that subject, and will, by enacting this measure, give a fair and adequate representation to the people of Scotland.

MR. CRUM-EWING said, that the Bill offered more to Scotland than those who had been advocating Reform for many years could have expected. But while giving a liberal franchise it tended to make the representation more Conservative by withdrawing large towns from the counties. A number of the counties, including those of Dumbarton and Renfrew, would be left wholly under landlord influence. He should certainly oppose that part of

the measure. Scotland was a Liberal country, but the present plan would destroy it and make it more Conservative. He admired the first part of the Bill, but objected to the re-distribution scheme.

MR. KINNAIRD said, he thought the Chancellor of the Exchequer had shown his sincerity in his proposal for increasing the Scotch representation. Any proposal for affecting that increase at the expense of England would have been defeated by English Members. He did not believe any Scotch Member attached any importance or cabalistic charm to the number 658. The right hon. Gentleman having invited suggestions, he wished to commend to his consideration the propriety of fixing the suffrage at £4, in order to obviate the difficulties which might arise from the power of parochial authorities to alter the rating. He would also suggest the propriety of defining a dwelling-house by providing that it should at least be a tenement containing two rooms. He believed that with a few amendments the Bill would be very acceptable to Scotland.

MR. CRAUFURD said, that the Bill took away more than it gave to Scotland. The system of personal payment of rates would destroy the simplicity of the present self-acting system of registration, which worked admirably. The Bill was, in fact, a registration agent's Bill. As to the grouping clauses, he did not see why the towns should be taken out of the counties. The groups were large enough at present. He also objected to the division of the county of Lanark, and one Member for each division. The people of that county desired that the two Members should sit for the whole county. The Bill would destroy the simplicity of the existing arrangements, by which voters found their names on the register without having given themselves any trouble.

SIR GRAHAM MONTGOMERY said, that the admirable self-acting registering system which at present existed in Scotland would not be interfered with as far as the voters above £4 were concerned, while facilities would be afforded to those below that figure by which they would be enabled to get upon the register.

Motion agreed to.

Bill for the amendment of the Representation of the People in Scotland, *ordered* to be brought in by MR. CHANCELLOR of the EXCHEQUER, MR. GATHORNE HARDY, and SIR JAMES FERGUSON.

Bill *presented*, and read the first time. [Bill 146.]

PARLIAMENTARY REFORM—
REPRESENTATION OF THE PEOPLE
BILL—[BILL 79.]

(Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.)

COMMITTEE. [PROGRESS MAY 9.]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Occupation Franchise for Voters in Boroughs).

MR. DENMAN said, that before moving the insertion of certain words in this clause he wished some Member of the Government would explain the meaning of the words "personal payment of rates." He did it from no desire to disturb the decision already arrived at by the Committee, but from the fact that the right hon. Gentleman the Chancellor of the Exchequer and his hon. and learned Friend (Mr. Brett) had given different meanings to them. The latter said that under the clause it would be necessary for the voter to pay or provide for the payment of his rates. The Chancellor of the Exchequer seemed to contemplate actual personal payment by the tenant. The existing law was that if by any fair contract between landlord and tenant the former undertook to pay the latter's taxes, the tenant would be presumed to have paid the rates. But under this Bill it might be held that the tenant would not have done so unless he paid by his own act, or that of some one employed by him. He brought forward this Amendment because he thought great difficulties would arise, and there would be great chances of men losing their votes if the words he objected to were left in the clause. Several revising barristers had told him that if the Bill came before them in its present state they would be obliged to call upon the voter to prove that he, by himself or his servant, had provided for the payment of the rates. By Clause 36 it was made bribery to pay the rates of any person with a corrupt view; but it was held by several Judges in the Court of Exchequer Chamber and by the House of Lords, in "*Cooper v. Slade*," that where an act was prohibited by Act of Parliament, the word "corruptly" was altogether otiose. It appeared that these two clauses taken together would render it necessary for every man to pay his own rates, and he hoped the Government would agree to an Amendment which could in any event do no harm.

[Committee—Clause 3,

Amendment proposed, in page 2, line 12, after "year," to insert "*bond fide*," and after "paid," to insert "or cause to be paid."—(*Mr. Denman*.)

MR. GATHORNE HARDY said, he could not agree with the hon. and learned Member that the insertion of the words he proposed would do no harm. A great deal of harm had resulted from the insertion of idle words in Acts of Parliament, inasmuch as they raised the very questions it was intended they should settle. Under the present law it was held that payment of a tenants' rates by the landlord was payment of these rates on behalf of the tenant. But, as had already been shown, on the discussion of the Amendment of the hon. Member (*Mr. Hibbert*), the tenant under such an arrangement would come upon the register while his rent, and consequently his rates, might remain unpaid, and his condition might have been such that had he not been a compounder he would have been excused from paying his rates on the ground of poverty. It was to avoid this that the Government had insisted on the personal payment of rates. But the Bill had not the phrase "personal payment of rates." That was a description rather of the Government's intention. The Bill required that a man should be responsible for his rates. It was necessary, in order to come within the provisions of the Bill, that a man should have his name upon the rate book and be personally responsible. Whether he paid the rate with his own hand or by the hand of another, the receipt was made out in his name and his liability ceased from that time. Thus it would be seen the insertion of the words proposed by the hon. and learned Member would probably raise the very question he desired to settle. The case of "*Cooper v. Slade*," to which the hon. and learned Member had referred, depended upon the words contained in the Corrupt Practices Act. The thing forbidden to be done corruptly in that Act—namely, the payment of money to voters for travelling expenses, was forbidden to be done, whether corruptly or not, in another statute. Therefore it did not matter whether or not there had been a corrupt payment if there had been a payment at all. But in the 36th clause of this Bill the whole stress was laid upon the word "corruptly," and the *onus* of proof was thrown upon those who sought to establish that the Act was done corruptly. The 3rd clause exactly followed

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the language of the Reform Act of 1832. He trusted that the hon. and learned Gentleman would regard his explanation as satisfactory, and would not press the Amendments he had proposed.

MR. SERJEANT KINGLAKE said, he thought it would be very inexpedient to introduce unnecessary and inoperative words into an Act of Parliament. If a person had caused these rates to be paid, could it be said that he had not paid them? He protested against any distinction being made between payment and cause of payment. There was nothing in the Act which required personal payment—the Act required personal rating and personal liability. The moment any Act was performed whereby that liability was discharged, the rate would be held to have been paid by the tenant. He did not think that Her Majesty's Government would object to introduce the words "*bond fide*."

MR. FRANCIS GOLDSMID said, he did not think the right hon. Gentleman (*Mr. Gathorne Hardy*) had answered the argument respecting the 36th section. The word "corruptly" applying to that might be considered as otiose. It said—

"Any candidate or other person, either directly or indirectly, corruptly paying any rate on the part of any voter for the purpose of enabling him to be registered as a voter, or for the purpose of inducing him to vote, shall be guilty of bribery."

Could a man pay another's rate for the purpose of inducing him to vote without doing it corruptly?

MR. BARROW said, that he understood by personal rating, personal liability to pay the rate. The enjoyment of the franchise was based on residence, rating, and payment of rates. Where these elements existed the occupant must necessarily possess a direct personal interest in the welfare and good government of the country, and ought to be entitled to the franchise.

MR. DENMAN said, he regarded the insertion of the words "*bond fide*" as essential, but he did not care so much about the phrase "cause to be paid."

MR. GATHORNE HARDY: There is no objection to the insertion of the words "*bond fide*."

On Question, the Amendment to insert "*bond fide*" agreed to.

Another Amendment proposed, in page 2, line 12, after "paid," insert "an equal amount in the pound to that payable by other ordinary occupiers in respect of."—(*Mr. Chancellor of the Exchequer*.)

MR. AYRTON said, he had hoped that Her Majesty's Government would have been as satisfied with the Bill in its present form as were the great majority of persons in all parts of the country, without asking the House to have it altered in such a very material portion as that touched by the Amendment. The Chancellor of the Exchequer by his Amendment was creating discontent and dissatisfaction in a case where everybody was content and satisfied with things as they stood. He had gathered from the observations of the Chancellor of the Exchequer that evening that he really did not understand the significance of his Amendment. Did he thoroughly appreciate the state of feeling on this point which had been manifested, not only in the metropolis, but throughout all parts of the country? The right hon. Gentleman had expressed surprise that the same satisfaction was not felt with the English as was with the Scotch measure of Reform. The reason was this. The Scotch Bill was applicable to the state of the law in Scotland, where there was one system of rating and paying rates. In England, instead of there being only one system, there were four. There were two general Acts, not agreeing in any of their term. There were a multitude of special local Acts differing from each other and from both general Acts. So that the law differed in different places, and in some cases differed in parts of the same town. The string of words proposed to be introduced could not apply to those varying sets of circumstances. People were amazed that the Government, having prepared a Bill which in its original provisions was perfectly satisfactory, now came down with a proposal to throw everything into confusion. He was astonished at the Chancellor of the Exchequer, in covering this proceeding, suggesting that those who differed from him in the matter were only animated by what he was pleased to term "a factious spirit." Nothing was more unfounded. Twenty years ago the like dissatisfaction was manifested against portions of the Reform Act bearing on this very same subject. Sir William Clay's Act was introduced to meet the evil. The Reform Act of 1832, in many of its provisions, had proved a constant source of irritation from the attempt which it made to mix up two things wholly irreconcilable—the payment of rates with the electoral vote. But Lord Russell always persistently held to the same view, and even his Bill of 1860 exhibited the same defect,

and proved an entire failure. As long ago as 1863 the question of the compound-householder was engaging public attention. In June of that year a deputation from the Parliamentary Reform Association sought an interview with Sir George Grey, with a view of representing that the disfranchisement of the compound-householder which had proved successful in London was being attempted in Manchester and other provincial towns, and that unless Reformers were prepared to use their utmost endeavours to preserve this deserving class of voters, there was every probability that the character of the larger constituencies would be materially altered. That statement was made in 1863, and a draft of a Bill to amend the state of the law was prepared. It might be asked, why was it not brought forward? It was pressed on the attention of the Government, but postponed from time to time in expectation of some general measure of Parliamentary Reform being introduced. Last Session the Government, having all the facts before them, were called on to legislate. The consequence was that Lord Russell, against his own expressed convictions of many years' standing, was driven to the conclusion that it was impossible to legislate satisfactorily by any measure connecting the enjoyment of the franchise with a system of payment of rates. The Government made a re-actionary proposal to the demand for the redress of a grievance which had been raised throughout the country during the last twenty years. All was to be done in pursuance of a mere theory—the theory that electors were to undertake personally to pay their rates as a condition of their admission to the franchise. But the doctrine that the right of voting was to be connected with a personal contribution to the burdens of the State would be made the foundation of a new and a more extensive agitation, and would be laid hold of as a justification of universal manhood suffrage. It was difficult to imagine Conservative statesmen putting forward an idea so revolutionary in its character. The theory that any person bearing a share of the public burdens was entitled to a vote led directly to manhood suffrage, for every man bore his share of the public burdens, and was liable in the last resort to be called on for the public defence. The measure would only create discontent and dissatisfaction, and the object which the Government professed to have in view—namely, that of effecting

a settlement of the Reform question, would thus be utterly defeated. The people saw clearly what would be the result of the adoption of that proposal. They knew that it was a scheme for placing the franchise, in the first instance, in the hands of a body of landlords [“ Oh, oh ! ”], who would use the law for the purpose of letting in or excluding voters, as they might find convenient. That was the belief which prevailed among the public, as might be learnt from the language held by the members of a recent deputation, which consisted of as respectable and intelligent a body of men as he had ever seen assembled upon any similar occasion. He could not, of course, arrest the career of the Chancellor of the Exchequer; but let the right hon. Gentleman remember that although he was carrying his measure by the assistance of Gentlemen on that (the Opposition) side of the House, those Gentlemen did not support him upon the same ground as the Members who sat beside him. They reconciled their mode of proceeding to their consciences by this reasoning—they did not care whether what he was doing would satisfy the country or not, because, if it did not, they would be the first to propose its alteration in order to render it conformable to the wishes of the people. The result would be that the House would have to consider the subject again and again, until they were compelled, by the force of public opinion, to strike out from the Bill the words by which it was then proposed that it should be disfigured. If any class of persons were held to be entitled to the franchise, it should be given to them clearly and unmistakably. It should not be made the subject of any of those petty acts and contrivances by which it was sought that the professed object of the measure should be defeated. [“ Oh, oh ! ”] The public would know how to appreciate those arts and contrivances. He was satisfied that when the time of trial came it would be found that a majority of the Members of the House would not be prepared to risk the chance of their re-election by supporting the vicious provision which the Government were then submitting to the Committee.

THE ATTORNEY GENERAL said, he hoped the Committee would not allow themselves to be drawn into the discussion of a question they had already so fully considered. The present Amendment was a necessary consequence of the adoption of the words “ as an ordinary occupier ” on

Thursday night, and was framed solely for the purpose of carrying into complete effect those words. It was then settled that the elector must be rated as an ordinary occupier. The provision now before the Committee, that he should pay as an ordinary occupier, followed as purely consequential thereon. Yet they were then asked by the hon. and learned Gentleman to enter again into the whole question of the condition of the ratepaying occupier, including the complicated rights and claims of the compound-householder. The hon. and learned Gentleman said that the Committee on Thursday night laboured under the mistaken impression that they were discussing a trifling matter. But the hon. Member (Mr. Hibbert) had accepted the Amendment proposed by the Chancellor of the Exchequer as one which afforded a convenient opportunity for discussing the Amendment he had himself placed upon the Paper, and his Amendment was then fully discussed accordingly. The present proposal would merely introduce into the clause a change which necessarily followed from their former decision. He should decline to be drawn upon such an occasion into a discussion of the general question. The Committee would not be deterred by any fears of further agitation from adhering to the conclusion at which they had previously arrived.

Amendment agreed to.

MR. DENMAN said, that he now moved the insertion in the clause of the words—in reference to the payment of rates by the occupier claiming the franchise—“ and which have been duly demanded of him by the overseer, collector, or other officer appointed for that purpose.” Under the law, as it at present stood, the occupier was liable for the payment of the rate on the very day on which it was levied. It often happened that persons did not know when the rate was made, as the overseer might reside four or five miles off, and various other obstacles might present themselves. The result was a practical hardship, and one of a nature which the best and most hardworking of the working classes were the least able to meet. The best workmen would not like to lose their time by going long distances in search of the overseer for the purpose of inquiring whether a rate was made, and when. On the other hand, the worst and least employed of the workmen who might want to obtain a vote for the purpose of making

Mr. Ayrton

money of it having plenty of time on their hands, would take care to obtain the necessary information, pay the rates, and get a vote. If the rating clauses were not intended to act as an undue restriction, he saw no reason why the Government should object to this Amendment. The object of his Amendment was to remedy the grievance, by imposing upon the overseer the duty of making an application for the rate, and to provide that no man should lose his vote for non-payment, unless such application had been made to him. The Amendment would also have the effect of preventing overseers from exercising partiality in the discharge of their duties. It sometimes happened now that in places where political feeling ran high the overseer would collect the rates from persons on his own side and omit to collect them from the other side.

Another Amendment proposed after "January," to add—

"And which have been duly demanded of him by the overseer, collector, or other officer appointed for that purpose."—(*Mr. Denman.*)

THE SOLICITOR GENERAL said, that the answer to the Amendment of his hon. and learned Friend was that there was no reason why the new voters to be created under the Act should have greater facilities than the old ones. The existing law required that the old voter should pay the rate whether it was demanded of him by the collector or not. Why should a difference be made in favour of the new voter? He thought there was no ground for the Amendment.

MR. DENMAN said, that he was in favour of the old voters being also relieved.

THE SOLICITOR GENERAL said, he thought it was a gratuitous assumption on the part of his hon. and learned Friend that the overseers were unfairly biassed in the discharge of their duties by political considerations.

SIR FRANCIS GOLDSMID said, that he thought the right course would be to apply the present Amendment to all classes of voters alike.

MR. BARROW said, that the overseers were compelled to collect and pay the rate into the bank within a limited time after it was made. As the claim could not be made for six months it was evident that before that period the whole rate must have been collected, or the overseers would stand in an awkward position when the auditor came to examine their accounts.

The Amendment, therefore, seemed to him wholly unnecessary.

MR. GLADSTONE said, he thought his hon. and learned Friend (Mr. Denman) had some reason to complain of the manner—the very impolitic manner—in which his proposal had been met by the learned Solicitor General. The Government proposed a clause relating to the new voter. His hon. and learned Friend said, "Give in that clause a certain relief to the new voter;" and the Solicitor General reproached him because he did not relieve the old voter. Let the Government extend the same privilege to the old voter. The answer of the Solicitor General amounted to this:—"The old voter is under a grievance. You are going to remove the grievance for the new voter, and I contend that the new voter should remain under the grievance also." Was it a grievance or was it or not? Last year, when the late Government were engaged in considering whether it was expedient or not to repeal what was called the ratepaying clauses, they took occasion to inquire into what was the practice in the different boroughs of the country with respect to them, and they found that in various boroughs they were turned to this use. Where there was an unscrupulous overseer, he called upon his own friends and gave them an opportunity of paying their rates, and he did not call upon his opponents to pay the rates, and they therefore missed the opportunity of paying. They could not deny that this abuse occurred from time to time. The argument of the Solicitor General was quite irrelevant, because it was obvious they could not deal with the old voter in a clause wholly relating to the new, and if it were thought right to extend this relief to the old voter, the time to do that would be when they came to the consideration of preserving the existing rights of franchise. He could not imagine anything more impolitic than the hon. and learned Gentleman's objection. ["Oh, oh!"] It might not be impolitic in the sense supposed by the hon. Gentleman who now interrupted; but it was impolitic in this sense. For him, and probably for his hon. and learned Friend (Mr. Denman), this was a small matter. They thought the clause incurably bad in its fundamental principles, and therefore they might be under some temptation to let it go forth with all its faults rather than to make amendments with the view of introducing into it some small improvements. The present suggestion in

no way interfered with the efficiency of the clause, and surely it would effect a practical improvement. It did not in the slightest degree call in question the principle of the clause, nor did it mar what the hon. and learned Gentleman the Solicitor General regarded as its beauty, and what he thought was its incurable deformity. The suggestion would, however, render the clause a little less unpalatable to the country, and therefore he hoped it would be adopted by the Government.

MR. GOLDNEY said, it was a curious phase in the discussion of this question that hon. Gentlemen opposite were filled with a suspicion that everybody concerned would be guilty of some great wrongdoing. First, it was thought that the occupiers were so thoroughly vicious that they would not make a claim, but suffer some persons corruptly to make it for them. Next it was supposed that the landlords would run the voters up in their rent. Now it was suggested that the overseers would corruptly abstain from doing what was clearly their duty—namely, to demand the rate. Those who made use of such an argument clearly forgot that an overseer would hardly like, for the sake of making a political arrangement, to run the risk of rendering himself subject to heavy penalties for not collecting and paying in the rate. It was incumbent upon an overseer to demand his rates in the ordinary course of things, and to render his accounts to the Poor Law Auditor when the proper time came round. It was suggested, however, that in consequence of some political arrangement between the overseer and the new voters he would neglect to do his duty, which would raise all sorts of controversies before the revising barristers. For his own part, he was quite satisfied that the clause would work very well as it stood. If there were any question of rating it ought to be dealt with under the Rating Act. He thought it was taking a low view of the state of society to assume that every one was inclined to do wrong.

MR. DENMAN said, that the Solicitor General had argued that because it was the duty of the overseer to collect the rates with an impartial hand, therefore he did it. The fact was that he very often failed to do so, and there ought to be no opposition to a proposal which would have the effect of keeping him up to his duty if he were inclined to neglect it. As a matter of fact it was well known that while the rates of the political friends of the over-

seers were actually collected, those of his political opponents remained frequently uncollected, with a view to their disfranchisement.

MR. WHALLEY said, he hoped that the obvious reasonableness of the proposal would be regarded by the Government as a ground for acceding to it. Undoubtedly it was the fact that in some boroughs where political feeling ran high the overseers might be at all events open to the suspicion of using their power for the purpose of interfering with the election.

MR. SERJEANT GASELEE said, he hoped the Government would not persist in their opposition to the Amendment. Many on his side were prepared to support the Bill if this were conceded. He had had occasion to speak to his own overseer on the subject, and the conclusion at which he had arrived was that the overseer ought, as a matter of course, to demand the rate.

THE CHANCELLOR OF THE EXCHEQUER said, that though there might not be any considerable objection to a proposal made in Committee, yet the Committee ought not to be hurried in assenting to it if not well matured. He did not pretend to be a gentleman of the long robe, and he confessed that when he read the language of the Amendment respecting the rates being "duly demanded," he felt a wish to be favoured by the legal *acumen* of the hon. and learned Gentleman (Mr. Denman) with a precise definition of the meaning of the words "duly demanded." In his own imperfect knowledge on the subject he should have thought that the moment a rate became due it might be "duly demanded." Assuming his interpretation to be correct, he could conceive that by adopting the suggestion of the hon. and learned Gentleman the Committee might be agreeing to a clause of extreme rigour and strictness, and one which might prove most unpopular and inconvenient. He could not think that the language proposed by the hon. and learned Gentleman ought to be adopted by the Committee. He was perfectly willing that the whole constituency should be treated, as far as possible, in the same way. But if the Committee adopted the suggestion of the hon. and learned Gentleman, wholly irrespective of the objection he had just taken, it would affect the new and not the old constituency, and would be about as blundering a piece of legislation as could well be conceived. If the hon. and learned Gentleman could, after due deliberation, propose a clause

Mr. Gladstone

which would affect equally the new and the old constituents, it should be taken into consideration, and if it were framed in language which could be understood, the Government would make no objection to it. At the same time, he must say that the language now offered for adoption by the Committee respecting the rates being "duly demanded" would lead to much inconvenience, and that instead of accommodating and facilitating the progress of affairs, it would greatly embarrass the people, who would be called upon to make these contributions. He trusted the hon. and learned Gentleman would perceive that, although his proposal was very well intended, yet it was couched in language which might well be re-considered. If, however, he would frame a clause applicable alike to the old and the new constituencies the Government might be able to assent to it without difficulty. If the hon. and learned Member insisted on pressing the Amendment now before the Committee he should feel it his duty to oppose it.

MR. DENMAN said, he would at once accept the challenge of the right hon. Gentleman, and would, he hoped, answer the observations that had been made conclusively and to the satisfaction of the Committee. He was quite ready to bring up a similar clause applicable to the old voter. That could be done at any stage of the Bill. But it was absolutely necessary, if the proposal he had submitted was to be carried in regard to the new voter, it should be inserted in the place he proposed, because the clause defined the rates which were to be made payable by the voter as a condition of his obtaining a vote. The right hon. Gentleman had said that the Amendment would impose an additional rigour upon the voter. But he apprehended this would not be so, because now no rates could be payable until a reasonable time after the rate had been made. That was the law applicable to all such matters. In order to meet the challenge of the right hon. Gentleman he was willing to add the words, "in the manner hereinafter mentioned," so that his Amendment would run thus—

"And which have been duly demanded of him by the overseer, collector, or other officer appointed for that purpose, and which have been demanded of him in the manner hereinafter mentioned,"

leaving it to the Government to propose the manner in which the demand should be made.

THE ATTORNEY GENERAL said, that if the words "duly" and "overseer, collector, or other officer" were struck out of the Amendment, so that it might read "and which have been demanded of him in the manner hereinafter mentioned," these words might be added, and a clause applicable to both the old and the new voters could be introduced at a subsequent stage.

MR. DENMAN said, he wished to ask whether Government would throw upon him the responsibility of preparing the clause or would themselves undertake it?

THE ATTORNEY GENERAL said, the Government would themselves prepare and introduce the clause.

MR. DENMAN said, that on this understanding he would strike out the words.

The following words were added to the clause :—"and which have been demanded of him in the manner hereinafter mentioned."

MR. McCULLAGH TORRENS moved the following Amendment to sub-section 5 of the same clause after the word "January :"—

"Who being of full age and not subject to any legal incapacity, or as a lodger has occupied in the same Borough separately and as sole tenant for the twelve months preceding the last day of July in any year lodgings being part of a dwelling-house, which lodgings would let unfurnished for ten pounds a year, and has resided in such lodgings during the six months immediately preceding the last day of July, and has claimed to be registered as a voter at the next ensuing registration of voters."

He said, he believed the House was anxious to come to a decision upon this question with as little surplusage of words as possible. He would not therefore reiterate the arguments he had previously brought forward. He had on the former occasion, when introducing the subject, stated that without some such clause as he now proposed the Bill would be ineffective for London and other towns. It had on both sides been admitted that the principle of a lodger franchise was not incompatible with the scope and purpose of the Bill. What the Committee had then to consider was the figure at which such a franchise should be fixed, and the machinery by which it was to be acquired. He believed that a very great majority of those who sat on the Liberal side of the House were of opinion that £10 a year was not an unreasonable point at which to fix the lodger franchise. The hon. Member for Chippenham (Mr. Goldney) had given notice of an Amend-

ment which coincided with his own, except that it named a sum of £15, instead of £10. As he (Mr. Torrens) could not agree to this he must divide upon it. The hon. Member had suggested that the words "in the same borough" should be added to the clause, and though that was a restriction of what he should like to obtain for the inhabitants of the metropolis he should not oppose it. [Mr. GOLDNEY: The words I would suggest are "within the borough."] It was well known that in London one side of a street was in one borough and the other side in another, and there might therefore be some difficulty to the revising barrister if some such words were not inserted. The hon. Member also proposed that any person who had inhabited the same lodging, being part of the same dwelling-house, for twelve months, and having the other qualifications provided, should be entitled to the franchise; but that was a very serious curtailment of the right founded upon the analogy to the case of the householder. The householder might acquire the right by living six months in one house and six months in another in the same borough, provided they were of the same value, and the lodger ought to have the same privilege. It might be said that as lodgers were more migratory in their habits, some distinction ought to be drawn between them and householders, and if the hon. Gentleman could show any reason why that distinction should be made he would consider it; but it would be a deviation from the principle that the rights acquired under the Bill should as far as possible be equal. Then, again, with respect to the question of value. He had heard it said that hon. Gentlemen opposite intended to found an argument upon the ground that in some districts of London it was not possible to go lower down in the scale than £10, or 4s. a week, and that it would not be desirable to include the very lowest grade. This was not, however, the fact. Though there were some districts in London where excessive and rapid demolition had deprived the population of adequate house accommodation, so that it was impossible for Christian men or women to find lodgings to live in at a lower rent than 4s. a week, there were many parts of the metropolis where decent lodgings could be obtained at a less rent. He had directed an inquiry to be made respecting the house accommodation in six contiguous streets in Clerkenwell, where the houses were not exceptionally

high-rented or low-rented, and in those six streets there were 315 houses, in which 369 separate lodgings were occupied by individuals or families. The Amendment which he proposed would enable 229 of those persons to claim to be put upon the register, while 140 would be excluded on account of paying a less rent than 4s. a week. But the proposal of the hon. Member, limiting the franchise to lodgers who paid £15 a year for rent, would render capable to claim to be put on the register only eighty-seven of the lodgers he had referred to, and would exclude 282. If, then, hon. Members were not in earnest in a desire for the establishment of a lodger franchise, let them support the Amendment of his hon. Friend. But if they meant to enfranchise any considerable number of those persons who were not able to occupy entire houses for themselves, they would vote in favour of the £10 lodger franchise. There was no reason to fear that the lodger franchise would not work well in London. It was well known that gentlemen occupying chambers in the Inns of Court, and paying no rates, as Lincoln's Inn and the Temple were extra parochial, were registered as electors for the apartments they rented. He had never heard any question raised as to the solvency of the occupiers, and the non-payment of rates was no practical disability. Under these circumstances, he trusted the Committee would adopt his Amendment.

Amendment proposed,

In page 2, line 15, after the word "January," to add the words "or

Who being of full age and not subject to any legal incapacity, as a lodger has occupied in the same Borough separately and as sole tenant for the twelve months preceding the last day of July in any year lodgings being part of a dwelling house, which lodgings would let unfurnished for £10 a-year, and has resided in such lodgings during the six months immediately preceding the last day of July, and has claimed to be registered as a voter at the next ensuing registration of voters."—(Mr. McCullagh Torrens.)

Mr. GOLDNEY said, that the introduction of a lodger franchise had to some extent met the favour of the Committee, and therefore that principle need not at the present moment be discussed. He wished the persons who were placed on the roll to be respectable artizans, and not another class who would swamp them. In respect to the case of Clerkenwell, the hon. Member, whose exertions to obtain better dwellings for working men he readily acknowledged, had forgotten this fact—

Mr. McCullagh Torrens

that although they were proposing to admit in every house a certain number of lodgers who occupied for a certain value and complied with other requisites, they did not take away the original claim of the occupier of the house himself. It had been generally admitted in the Registration Courts, that although a man might let a large portion of his house, yet if he retained the control, and paid the rates, he retained his own vote. The proposal now made was to add other votes to that of the occupier, and that would not merely be adding 140, but increasing 315 to 445. In considering the question of value this fact must be borne in mind, that the lodger paid nothing more than his rent. He was not called upon to pay rates, repairs, water rates, or insurance. If the qualification was fixed at £15 the amount he would be required to pay would be not more than 5*s.* 9*d.* per week. He had extended his investigations into this subject into different portions of the metropolis—St. George's, Westminster; St. George the Martyr, Southwark; Bermondsey, Islington, St. George's-in-the-East, and Bethnal Green. The result of his inquiries was this—that in Westminster, the very lowest single rooms were let at 4*s.* or 5*s.* a week. The general charge for two rooms—and the Committee would be of opinion that not less than two should entitle to a vote—for two rooms on the ground floor was 7*s.* 6*d.*; on the first floor, 8*s.* to 9*s.*, and in the attic, 5*s.* 6*d.* He had ascertained that it was impossible to obtain two decent rooms for 6*s.*, and many which might be designated as cells, let at 4*s.*, 5*s.*, and 6*s.* In St. George the Martyr a decent mechanic could not obtain two rooms for less than 6*s.* a week, and he was shown single rooms occupied by paupers who paid from 2*s.* 6*d.* to 3*s.* a week. He mentioned these facts to show the class of people who would be introduced to the register at the rent of £10 a year, or 3*s.* 10*d.* per week. In Bermondsey, two tolerably decent rooms might be obtained for 5*s.* or 6*s.* a week. No two decent rooms could be obtained for less than 4*s.* In the model lodging-house of Mr. Waterlow, the lowest price for two rooms was 4*s.* 6*d.*, the next price was 5*s.* 6*d.*, the next 6*s.* 6*d.*, and some were 7*s.* 6*d.* In Islington, he found that two rooms might be obtained for 4*s.* 6*d.*, but they were looked upon as people of an inferior grade who occupied them, and the general price was 5*s.* 6*d.* or 6*s.* As a general rule, a working man was fairly able to apportion about one-fifth of

his earnings for house-rent; but taking the general class of good mechanics who earned from 35*s.* to 40*s.* a week, even putting their wages as low as 30*s.*, they would be able to pay a sum representing £15 a year, or 5*s.* 9*d.* a week, for that purpose. If they lowered the lodger franchise to 4*s.* a week, they would bring in a class of labourers who would almost wholly swamp the class of skilled artisans. The words which the right hon. Gentleman (Mr. Gladstone) last year introduced into his proposed lodger franchise were “an annual value of £10;” but the words proposed by the hon. Member were “the sum for which the lodgings would let unfurnished.” In his explanatory statement last year the right hon. Gentleman (Mr. Gladstone) said that the annual value ought to be irrespective of rates, furniture, and the ordinary outgoings which an occupier had to meet. Therefore, £10 annual value, when they took into account rates and those other outgoings, would be brought up to a letting sum of about £15. They must also bear in mind that rents were rising, and still likely to rise, and that the difficulty experienced was not in finding tenants, but in finding lodgings. In Bermondsey, a rent of 5*s.* 6*d.* per week would be increased if repairs were asked for by the tenant. A lodging franchise of 5*s.* 9*d.* a week would give a fair sample of an artisan. But if they went down to 3*s.* 10*d.* a week a class of mechanics would present themselves whom it might not be desirable to introduce. He proposed to move, in substitution of the Amendment of the hon. Member, after “January,” to insert—

“Or being of full age, and not subject to any legal incapacity, as a lodger has occupied separately, and as sole tenant for the twelve months preceding the last day of July in any year, the same lodgings, being part of one and the same dwelling-house, which lodgings would let unfurnished for £15 a year, and has resided in such lodgings during the twelve months immediately preceding the last day of July, and has claimed to be registered as a voter at the next ensuing registration of voters.”

MR. GATHORNE HARDY said, he would suggest that the words “being of full age and not subject to any legal incapacity” should be omitted from the hon. Member (Mr. Torrens') Amendment, as those words were already contained in the earlier part of the clause, and would equally apply to householders and lodgers should a lodger franchise be adopted.

Words struck out.

[Committee—Clause 3.]

MR. GOLDNEY moved to insert in the third line of the hon. Member (Mr. Torrens') Amendment, after the word "year," the words "the same" before "lodgings."

MR. GOSCHEN said, that the metropolitan Members ought to be under a deep obligation to the hon. Member (Mr. Goldney) for the trouble he had taken in visiting the neighbourhoods in question, and making himself acquainted with the state of the dwellings of the artizan class. For he felt confident that he had not undertaken that task simply with a view to that debate, but in order to assist the hon. Member (Mr. Torrens) in his efforts to improve those dwellings. There were, however, several points which the hon. Gentleman did not seem to have included in his inquiries. For instance, he had not dwelt much upon the question of furniture, and the guarantee offered by the possession of furniture. Were the lodgings he had inspected furnished or unfurnished lodgings? Again, were the lodgers whom he had seen such lodgers as would reside for a year in the same place, or were they migratory lodgers, who would not be qualified under the Bill? The hon. Member had chiefly spoken of the weekly rents, holding up 4s. a week as a very low rent. But a Bill had been introduced that night giving the franchise to householders in Scotland who paid a rent of 1s. 7d. a week. In London there were scarcely any householders in that position. The corresponding class must live in lodgings. In London there were only 33,000 male occupiers of houses under the £10 line. As far as the working man was concerned it was impossible for him to hire a whole house, except in very rare cases, for himself. The great majority of working men in the metropolis would not obtain votes except as lodgers. They could not procure houses within their means, and those virtues which might be exercised by the holder of a small house in the country could, therefore, not find expression in the metropolis. The ideal voter, in the eyes of hon. Members opposite, seemed to be a man who lived in a little house in a little town, and paid his rates himself. But what were they to do in London, where there were no little houses? [An hon. MEMBER: Build them.] The working man was at present in this difficulty. In bad neighbourhoods the small houses were numerous, but the artizan might not like to live in them and bring up his children, amid the sights and sounds they must there en-

counter. In the good neighbourhoods the houses were beyond his means, and if he became a lodger in them he would not have a vote. The question was whether, if they took the £15 line, an adequate number of working men would be admitted. The hon. Gentleman had not told them whether lodgers who had good furniture of their own and who stayed a considerable time in their lodgings could not obtain their rooms at a lower rent than those whose furniture was bad and who remained but a few weeks. Knowing something of the dwellings of the working classes in London, he could state that there were tenements where at 5s. a week two rooms, exceedingly well furnished and perfectly fit for any artizan, his wife, and two children, were inhabited by a class whom nobody would wish to exclude from the franchise. In London it was not optional with a man whether he would be a lodger or not. It was quite natural that hon. Members opposite, who were more or less afraid of the compound-householder, should look upon a lodger as something rather worse, and should be still more afraid of conferring the franchise upon him. But why did men live in lodgings? Sometimes because they could not find houses. Sometimes because they were bachelors, and surely there were such things in the world as respectable bachelors. He was not prepared to deny that there might be greater weight and greater political virtue in married men, and that they were better able to perform their duties to Church and State, besides being personal ratepayers. But he thought the House would be going too far to look into these niceties. Why should they require him to have two rooms if he only needed one? They now found themselves resting upon an entirely different footing to that on which they stood last year. They had given up the doctrine of numbers, and therefore need not know how many lodgers would be enfranchised. The doctrine of numbers had been abandoned when it had served its purpose of defeating the Bill of last year. Nor need they ask into which class these lodgers would fall, because the argument of the balance of classes had also been wisely abandoned, after it had served its purpose of defeating the late Government's Bill. Unless a franchise of this kind were granted, however, the best part of the working classes of the metropolis would not be able to obtain the franchise. It

would be desirable for hon. Members to remember what had happened to the £6 householder. Hon. Members on the opposite side of the House had been asked over and over again to consent to the admission of £6 householders, but they had refused it, and the consequence was that now their own Government had to propose to admit all householders, potentially if not actually. If they wanted a settlement of the question—and they all knew that the most anxious desire for a settlement was above all things swaying the House, and sometimes, according to the views of some of them, hurrying them on to decisions which they would afterwards regret—if that desire for settlement was considered, they could do nothing better than accept a £10 lodger franchise, rather than a £15 franchise, otherwise they would be certain to experience that which they had experienced in the case of the householder. In the next Parliament a £7 lodger franchise would be proposed, and in the end a Conservative Government would probably have to come forward to propose that all lodgers should be enfranchised, and when they had admitted all lodgers and all householders, they would have something like manhood suffrage. A refusal to grant the £10 franchise now would only lead to a continual agitation for a lower franchise.

SIR RAINALD KNIGHTLEY said, that some time ago the noble Lord (Lord Stanley) stated that the Bill of the Government was based upon a principle, and that to that principle they were prepared to adhere. He would like to ask upon what principle was the Bill now based as to the lodger franchise? They had been told *usque ad nauseam*—even this evening, when the Chancellor of the Exchequer repeated the “oft told tale”—that the principle of the Bill was the personal payment of the rates and the abolition of a hard and fast line. But they were now adopting a hard and fast line, and abolishing the personal or any payment of rates. The right hon. Gentleman (Mr. Goschen) said that the Conservatives had abandoned the balance of classes after turning out the late Government. He (Sir Rainald Knightley) wished to ask the Conservative Government what was the object of establishing household suffrage with the personal payment of rates for one class of occupiers, and no personal payment of rates for another class of occupiers? Was that the object

which they (the Conservatives) had in view in turning out the late Government? Did they reject the Bill of the right hon. Gentleman (Mr. Gladstone) last year because it did not go far enough? He would venture to say there was not a single Gentleman on that (the Ministerial) side of the House who spoke against that Bill who did not object to it because it went too far. It was argued last year that if the Bill then before the House was passed they would be stranded on the shoal of universal suffrage, and that that would be the greatest misfortune that could possibly happen to the country. He was aware of the difficulty in which the Government were placed at the commencement of the Session, and that if they had not brought in a Reform Bill they would have been defeated by an Amendment to the Address. It would have been better for the Conservative party and the character of public men for the Government to have accepted that defeat and the party to have gone into Opposition than to have abandoned the position they had taken on this question.

MR. THOMAS HUGHES said, the question before them was one of the most important they had yet had to consider. He hoped that the exertions of landlords and Societies would bring about a better state of things than that which existed, and that rents would fall. A lodger franchise of £15 would be an extremely inadequate one. There were many large blocks of houses being erected upon the property of the Marquess of Westminster, in which a man could rent a couple of rooms for 3s. 6d. per week. Those rooms were good enough for any person. They were quite as good as he should ever wish to live in, if he were a single man and wanted lodgings. It was a great mistake to calculate the ordinary income of the skilled artisan in London as ranging from 33s. to 36s. per week. Though he might receive that at some periods of the year, the general average of his wages was not more than 24s. a week. Taking one-sixth of that for house-rent or for his lodgings, he could not afford to pay more than 4s. a week. If, then, they took the higher figure of £15 for the lodger franchise, they would exclude at least two-thirds of those people whom it was the professedly sincere wish of both sides of the House to enfranchise—the better class of the skilled artisans of this country.

MR. SCHREIBER: I wish to state very frankly and very briefly to the Committee

[Committee—Clause 3.]

the difficulty in which I find myself in this matter of the lodger franchise. My understanding of the situation, Sir, is this. We, who sit upon these Benches, have finally abandoned the defence of the existing borough franchise, because £10 is a figure and not a principle. We have accepted in its stead a principle, independent of amount, which has been stated with the utmost precision to be this—"that the discharge of a public duty should confer the enjoyment of a public privilege." Measure the lodger franchise by this standard—What duty does a lodger discharge? Rate-payers I know, and taxpayers I know: but who are lodgers? Again, what principle is there in £10 or £15 which would withstand the first assault on the amount? If you ask me what figure I should prefer, I should answer that all alike are so utterly indefensible, that I should prefer that which is least likely to be attacked. That is a condition which is certainly not satisfied by the Amendment of the hon. Member (Mr. Goldney). I hope, Sir, I shall not be understood in these remarks as reflecting upon those whom this franchise would introduce upon the register. In my opinion, they would compare not unfavourably with the rated occupiers below £10. Generally, I think, their introduction would have a Conservative effect on the constituencies. That, certainly, would be the case in the constituency which I have the honour to represent. But I am not prepared, Sir, to purchase a personal advantage at the cost of the whole principle of the Bill I am supporting. I shall therefore vote against the proposal of the hon. Member (Mr. Torrens), against the Amendment of the hon. Member (Mr. Goldney), and against every proposal of the same nature, until the lodger is presented to me in the character of one who claims "a public privilege by the discharge of a public duty." I may, perhaps, be in a minority; but at least, I shall not be illogical and inconsistent. And if some day manhood suffrage enters by the door of the lodger franchise, I shall remember with satisfaction that I, for one, did my best to close that door against it.

MR. LOCKE said, that the hon. Member (Mr. Goldney) had referred to the parish of St. George the Martyr, in Southwark, as to the lodger franchise. He had been informed by a medical gentleman who had had long experience in the parish that numbers of artisans occupied rooms at 4s. a week fit for their families to live

Mr. Schreiber

in. He thought, therefore, that the insertion of £10 in the clause would be sufficient. Among many of his constituents that sum was thought too high.

MR. BRIGHT: I understood the hon. Gentleman (Mr. Goldney) to say that if the words at the end of the clause of last year "of the clear yearly value of £10," were adopted, and the clear yearly value were taken, he would agree to the proposal of my hon. Friend (Mr. Torrens).

MR. GOLDNEY said, the words in the Bill introduced last year he had stated were irrespective of rates and furniture, which would bring the lodger franchise to very nearly the same amount as he proposed.

MR. BRIGHT: The Chancellor of the Exchequer, in the Bill which he introduced in 1859, which was not successful, proposed £20 as the figure for a lodger franchise. That included furniture, attendance, and I do not know what besides. In all probability, deducting all these things, the proposal of the hon. Gentleman (Mr. Goldney) now is considerably higher than that of the Government of that day. Therefore I hope that, considering we have made so much progress in other things, we shall not go back in this. There is another point. As you are lowering the franchise so much with regard to householders, it is quite clear that you will not act logically, nor in the direction of a settlement, if you do not, at any rate, bring down the lodger franchise correspondingly low. Although I think you might in the provincial towns, and even in London, have reduced it below £10, yet as that appears to be the sum which the House has looked to, and which the public have looked to, I would ask the hon. Gentleman (Mr. Goldney) to accept that figure accompanied with the words in the Bill of last year. If he would do so, I should recommend my hon. Friend below me to allow his proposition to be altered accordingly.

MR. GOLDNEY said, that from the calculations he had made he believed that the alteration now proposed would bring the franchise nearly to the same amount as that which he proposed. Therefore, if the hon. Gentleman (Mr. Torrens) would introduce the words "£10 annual value," he was willing to withdraw his Amendment.

MR. McCULLAGH TORRENS said, he would be glad to save the time of the Committee by accepting these words if it met the views of the Government.

THE CHANCELLOR OF THE EXCHEQUER: I think it very desirable that, if possible, we should come to an understanding upon this subject without a division. There is, no doubt, a wish on both sides to establish this franchise, and if it can be established without any great difference of opinion I shall be extremely glad. I must, however, notice one or two observations which I think were not conceived in that spirit, and which by an elaborate and painful recurrence to past times have not assisted us, though I trust they will not impede us, in arriving at the conclusion which I feel no doubt the good sense of the House will adopt. The right hon. Gentleman (Mr. Goschen) seems to me on all subjects connected with the franchise to have a feeling of pique respecting what occurred last year, which I think it would be discreet in him at least to veil. He cannot calmly consider the question of the extension of the franchise without referring to the unexpected and, in his case no doubt, mortifying consequence of the decision of the House last year. The right hon. Gentleman has reminded us of this before, and I then passed it unnoticed. I think, therefore, that I have a right to notice it now; because although on a particular occasion one may not think it well to retaliate, still, if repeated, it is for the convenience of society that such things should not always pass unnoticed. The right hon. Gentleman has taunted us with last year arguing the whole case of the increased Parliamentary franchise of the people, first from the fear of a Bill founded upon the numerical principle, and next from the influence it would give to a particular class. Now, I must remind the right hon. Gentleman that the Government of which he was a member commenced their labours last year upon this subject by laying upon the table a blue book full, no doubt, of the most valuable information, accumulated with the greatest care, and, I believe, brought before the notice of Parliament with the greatest impartiality. What was the object of these researches? It was to show that certain measures would not produce the dangers which might be anticipated by us, and would not let in the numbers we feared. That was the first object. The next was to show that a certain class already had a certain power, and therefore we were to consider whether it was just that we should increase the influence of that particular class—the working class. These were the materials placed

by the Government before the House of Commons in order that they might form their opinion. The Government drew our attention to the influence of numbers and classes upon the constituencies. They might be right. I do not say they were not right. That is not the point. But it is not for them to reproach us now, and say that we last year introduced considerations arising from the influence of numbers and classes. In placing such documents voluntarily on the table as materials from which we were to form our opinion, the Government themselves called our attention to these two very points, the influence of numbers and the power of classes. An hon. Baronet (Sir Rainald Knightley) who sits on this side of the House—who still does us that honour—has indulged in invective which by repetition becomes more perfect, and attacks us because he says we are going to accept the proposal of the hon. Member (Mr. Goldney) which he says we have so solemnly reiterated that we never would accept. In this, as usual, he makes a mistake. He calls upon my noble Friend (Lord Stanley), who may be signing Protocols at this moment, to vindicate his pledges that he, for one, would never deviate from the principle of the Bill, which was the personal payment of rates. The hon. Baronet is not for a moment, I suppose, prepared to contend that the payment of rates is the entire principle of this Bill. [*Laughter.*] Does any Gentleman who laughs pretend that it is the entire principle of the Bill? Is it the principle of the franchise which is founded on the possession of a sum in the savings bank? Is it the principle of the franchise which is founded on the possession of a certain amount in the public funds? Is it the principle of the franchise which is founded on the payment of a certain amount of direct taxes? What my noble Friend said, and what we all said, was, that with regard to the exercise of the most important franchise of the Bill, to which the observation alone referred—the borough franchise—we were of opinion that it should be founded on the personal payment of rates. That is a principle which is not relinquished, and which we shall not relinquish. I cannot, therefore, understand the taunt of the hon. Baronet when he says that the personal payment of rates is the foundation of all the franchises in this Bill. With regard to the lodger franchise, the principle of such a franchise has been accepted by the

House, and the only thing that remains is how to apply it in a satisfactory manner. I thought after listening to the hon. Member (Mr. Torrens), who spoke with personal knowledge which my limited experience confirms, that, when he described the residences and the households he had visited, the payment of 5s. a week would be a very good foundation for a franchise of this kind. My hon. Friend (Mr. Goldney) has expressed a willingness to accept an Amendment which has been thrown out from the other side, which I believe will practically cause the same result. I will therefore throw no obstacle in the way. It is, I think, very desirable that the House should come to an understanding on this subject without a division. There is a feeling of great urgency on the part of the majority of the House, whatever may be said by some outside, to come to a decision on this subject and to carry the Bill, and I now hope we have arrived at a conclusion that will be satisfactory to the country.

Amendment proposed to the said proposed Amendment, in line 6, to leave out the word "six," in order to insert the word "twelve,"—(Mr. Goldney,)—instead thereof.

MR. M'CULLAGH TORRENS said, it was fair to ask the lodger to be twelve months in occupation, but not in residence. It would give sufficient security against evasion of the law. He trusted the hon. Member would not press his proposal.

MR. GOLDNEY said, it was only fair to ask from the lodger the same term of residence as other voters. The lodgers were not the migratory class which had been represented. He had made inquiries among lodgers in Westminster, and he found that many of them had resided in the same rooms for three, four, and five years together. A residence of twelve months was therefore not too much to require.

MR. GOSCHEN said, that the lodger had been already placed under a disadvantage as compared with the householder. He was required to occupy the same lodgings for a year, whereas the householder might change his house. As the hon. Member (Mr. Torrens) had made concessions already, it was only fair that he should be met in a corresponding spirit by the other side. There were Members of Parliament who were lodgers. He was not sure that there were not Cabinet Ministers. If they left at the end of the Session there would be occupation but not

residence. A residence of six months, then, ought to satisfy the Committee.

MR. SERJEANT GASELEE said, that the other night he explained what was meant by occupation. The House laughed at it, and some pet lawyers got up to contradict it. When he went home he looked into his books, and found, as he generally did, that he was right. He wanted to ask the hon. Member (Mr. Torrens) what he called residing in lodgings unless a man had a bed and an opportunity of living there. A man who had lodgings could not occupy them without sleeping in them. He wanted to know, therefore, what was meant by a residence of six months? The right hon. Gentleman had spoken of Members of Parliament as lodgers. But if a Member of Parliament could not afford to keep his lodgings while he was away, they did not want him as a voter. He (Mr. Serjeant Gaselee) could not understand why a lodger should have only six months' residence when a householder must have twelve.

MR. BRETT said, it was well known to all revising barristers, and it had been confirmed by the Court of Common Pleas, that a man might occupy a tenement, such as a warehouse or shop, without residing in it, and why not a lodging? A man might occupy by putting his servant on the premises, without residing there himself. There was some misapprehension on the part of the right hon. Gentleman (Mr. Goschen), and other hon. Members, with regard to the legal effect of the term residence. It had been held, not by revising barristers only—and he was one for some years—but also by the Court of Common Pleas, that the mere fact of a man leaving his house for a certain time, if he had the intention of returning, did not break the residence. A gentleman having a house—his going away for a short time into the country, or on the Continent, with the intention of returning, did not constitute a break of residence. The same principle would apply to lodgers, including the working man when he went to another part to discharge a particular duty, but still paying for and intending as soon as he had performed it to return to his original lodgings.

MR. SERJEANT GASELEE said, a man might occupy a shop by keeping his goods there, but he could not occupy a dwelling-house without living in it. He begged to tell the hon. and learned Gentleman (Mr. Brett) that he had been a revising barrister.

ter before the hon. and learned Gentleman, and his position was that there was a difference between occupying a shop and a dwelling-house.

MR. M'LAREN said, he could tell the hon. Member (Mr. Goldney) from his own experience that if he had inquired more closely he would probably have found that the persons in Westminster who told him they had lived three, four, and five years in the same lodgings had given up their lodgings some portion of that time. The lodger franchise existed in Scotland since the passing of the Reform Bill, and he found that lodgers who had been there four or six years in lodgings invariably went on excursions into the country, gave up their lodgings, and did not pay rent continuously for twelve months. If a twelve months' residence were inserted in the clause, it would disfranchise four out of every five lodgers.

Question put, "That the word 'six' stand part of the proposed Amendment."

The Committee *divided*:—Ayes 145; Noes 208: Majority 63.

AYES.

Aeland, T. D.	Edwards, C.
Adam, W. P.	Eliot, Lord
Amberley, Viscount	Enfield, Viscount
Ayrton, A. S.	Erskine, Vice-Ad. J. E.
Aytoun, R. S.	Evans, T. W.
Baines, E.	Ewing, H. E. Crum-
Barclay, A. C.	Eykyn, R.
Barnes, T.	Fawcett, H.
Barry, C. R.	Fildes, J.
Berkeley, hon. H. F.	FitzGerald, rt. hon. Lord
Blake, J. A.	O. A.
Brady, J.	Forster, C.
Bright, J.	Forster, W. E.
Bryan, G. L.	Fortescue, hon. D. F.
Buller, Sir A. W.	Gaselee, Serjeant S.
Buller, Sir E. M.	Gibson, rt. hon. T. M.
Candlish, J.	Gladstone, rt. hn. W. E.
Cardwell, rt. hon. E.	Gladstone, W. H.
Carington, hon. C. R.	Glyn, G. G.
Carnegie, hon. C.	Goldsmid, Sir F. H.
Cave, T.	Goschen, rt. hon. G. J.
Cavendish, Lord E.	Gower, hon. F. L.
Cavendish, Lord F. C.	Gray, Sir J.
Cavendish, Lord G.	Greville-Nugent, A. W. F.
Chambers, T.	Grey, rt. hon. Sir G.
Childers, H. C. E.	Gridley, Capt. H. G.
Clive, G.	Gurney, S.
Cowen, J.	Hamilton, E. W. T.
Craufurd, E. H. J.	Hankey, T.
Crawford, R. W.	Hartington, Marquess of
Cremorne, Lord	Hayter, Capt. A. D.
Crossley, Sir F.	Headlam, rt. hon. T. E.
Dalglisch, R.	Henderson, J.
Denman, hon. G.	Hodgkinson, G.
Dering, Sir E. C.	Hodgson, K. D.
Devereux, R. J.	Howard, hon. C. W. G.
Dillwyn, L. L.	Hurst, R. H.
Dunlop, A. C. S. M.	Jervoise, Sir J. C.

Kennedy, T.	Potter, E.
Kinglake, A. W.	Potter, T. B.
Kingscote, Colonel	Price, R. G.
Knatchbull-Hugessen E	Price, W. P.
Labouchere, H.	Pritchard, J.
Layard, A. H.	Proby, Lord
Lawrence, W.	Robertson, D.
Leatham, W. H.	Rothschild, Baron L. de
Leeman, G.	Rothschild, Baron M. de
Lefevre, G. J. S.	Russell, A.
Lewis, H.	Russell, H.
Locke, J.	Russell, Sir W.
Lusk, A.	Samuelson, B.
M'Laren, D.	Seymour, A.
Martin, P. W.	Sherriff, A. C.
Milbank, F. A.	Stansfeld, J.
Mill, J. S.	Stone, W. H.
Mitchell, A.	Synan, E. J.
Moffatt, G.	Talbot, C. R. M.
Moncreiff, rt. hon. J.	Taylor, P. A.
Monk, C. J.	Vanderbyl, P.
Morris, W.	Villiers, rt. hn. C. P.
Morrison, W.	Vivian, H. H.
Murphy, N. D.	Vivian, Capt. hn. J. C. W.
Neate, C.	Waring, C.
Nicholson, W.	Warner, E.
Norwood, C. M.	Watkin, E. W.
O'Beirne, J. L.	Weguelin, T. M.
O'Brien, Sir P.	Whalley, G. H.
O'Loughlin, Sir C. M.	White, hon. Capt. C.
Otway, A. J.	White, J.
Palmer, Sir R.	Wyld, J.
Peel, A. W.	Young, R.
Peto, Sir S. M.	
Philips, R. N.	

TELLERS.

Pim, J.	Torrens, W. T. M'C.
Portman, hn. W. H. B.	Hughes, T.

NOES.

Adderley, rt. hon. C. B.	Capper, C.
Akroyd, E.	Cartwright, Colonel
Archdall, Captain M.	Cave, rt. hon. S.
Arkwright, R.	Clive, Capt. hon. G. W.
Bagge, Sir W.	Cobbold, J. C.
Bagnall, C.	Cole, hon. H.
Barnett, H.	Cole, hon. J. L.
Barrington, Viscount	Colville, C. R.
Barrow, W. H.	Conolly, T.
Barttelot, Colonel	Cooper, E. H.
Bass, A.	Corry, rt. hon. H. L.
Bass, M. T.	Cox, W. T.
Bateson, Sir T.	Cubitt, G.
Bathurst, A. A.	Dalkeith, Earl of
Beach, Sir M. H.	Dent, J. D.
Bentineck, G. C.	Dick, F.
Benyon, R.	Dimsdale, R.
Beresford, Capt. D. W.	Disraeli, rt. hon. B.
Packe-	Dowdeswell, W. E.
Bernard, hn. Col. H. B.	Du Cane, C.
Booth, Sir R. G.	Duncombe, hon. Col.
Bowen, J. B.	Dunne, General
Bowyer, Sir G.	Dyke, W. H.
Brett, W. B.	Dyott, Colonel R.
Bridges, Sir B. W.	Eaton, H. W.
Bromley, W. D.	Edwards, Sir H.
Brooks, R.	Egerton, Sir P. G.
Bruce, C.	Egerton, hon. A. F.
Bruce, Sir H. H.	Egerton, E. C.
Bruen, H.	Egerton, hon. W.
Buckley, E.	Elcho, Lord
Burrell, Sir P.	Fellowes, E.
Buxton, Sir T. F.	Fergusson, Sir J.
Campbell, A. H.	Forde, Colonel

[Committee—Clause 3.

Forester, rt. hon. Gen.	Manners, Lord G. J.
Galwey, Sir W. P.	Meller, Colonel
Galwey, Viscount	Montagu, rt. hon. Lord R.
Garth, R.	Montgomery, Sir G.
Goodson, J.	More, R. J.
Gore, J. R. O.	Mordaunt, Sir C.
Gorst, J. E.	Morgan, O.
Grant, A.	Morgan, hon. Major
Graves, S. R.	Mowbray, rt. hon. J. R.
Gray, Lieut.-Colonel	Naas, Lord
Greenall, G.	Neeld, Sir J.
Gregory, W. H.	Neville-Grenville, R.
Grey, hon. T. de	Newport, Viscount
Griffith, C. D.	Noel, hon. G. J.
Grosvenor, Earl	North, Colonel
Gwyn, H.	Northcote, rt. hon. Sir S. H.
Hamilton, rt. hon. Lord C.	Packe, C. W.
Hamilton, Lord C. J.	Pakington, rt. hon. Sir J.
Hamilton, Viscount	Parker, Major W.
Hardy, rt. hon. G.	Parry, T.
Hardy, J.	Pease, J. W.
Hartley, J.	Pennant, hon. G. D.
Hartopp, E. B.	Pugh, D.
Harvey, R. J. H.	Rearden, D. J.
Hervey, Lord A. H. C.	Repton, G. W. J.
Hay, Lord W. M.	Ridley, Sir M. W.
Hay, Sir J. C. D.	Robertson, P. F.
Henniker-Major, hon. J. M.	Rolt, Sir J.
I Herbert, hon. Col. P.	Schreiber, C.
Hildyard, T. B. T.	Sclater-Booth, G.
Hogg, Lt.-Col. J. M.	Scourfield, J. H.
Holford, R. S.	Selwin, H. J.
Holmesdale, Viscount	Selwyn, C. J.
Hood, Sir A. A.	Severne, J. E.
Hope, A. J. B. B.	Seymour, G. H.
Hornby, W. H.	Simonds, W. B.
Howes, E.	Smith, A.
Hubbard, J. G.	Smollett, P. B.
Huddleston, J. W.	Somerset, Colonel
Hunt, G. W.	Stanhope, J. B.
James, E.	Stanley, Lord
Jones, D.	Stirling-Maxwell, Sir W.
Karslake, Sir J. B.	Stock, O.
Karslake, E. K.	Stronge, Sir J. M.
Kavanagh, A.	Stuart, Lt.-Col. W.
Kekewich, S. T.	Stucley, Sir G. S.
Kelk, J.	Sturt, Lieut.-Col. N.
Kennard, R. W.	Surtees, C. F.
King, J. K.	Surtees, H. E.
King, J. G.	Sykes, C.
Knight, F. W.	Taylor, Colonel
Knightley, Sir R.	Thorold, Sir J. H.
Knox, Colonel	Treeby, J. W.
Knox, hon. Colonel S.	Trollope, rt. hon. Sir J.
Lacon, Sir E.	Turner, C.
Laing, S.	Vance, J.
Laird, J.	Vandeleur, Colonel
Langton, W. G.	Walker, Major G. G.
Lanyon, C.	Walpole, rt. hon. S. H.
Lascelles, hon. E. W.	Walrond, J. W.
Leader, N. P.	Walsh, A.
Lechmere, Sir E. A. H.	Waterhouse, S.
Lennox, Lord H. G.	Whatman, J.
Liddell, hon. H. G.	Whitmore, H.
Lindsay, hon. Col. C.	Wise, H. C.
Lowther, Captain	Woodd, B. T.
Lowther, J.	Wyndham, hon. H.
MacEvoy, E.	Wynne, W. R. M.
McKenna, J. N.	Yorke, J. R.
Mackinnon, Capt. L. B.	
McLagan, P.	
Manners, rt. hon. Lord J.	

TELLERS.

Goldney, G.
Powell, F. S.

Question, that the word "twelve" be inserted, put, and *agreed to*.

Amendment to substitute "clear yearly value" for "£10 a year," *agreed to*.

MR. WATKIN moved that the Chairman report Progress.

THE CHANCELLOR OF THE EXCHEQUER said, that he had no objection to the clause which the hon. Member (Mr. Watkin) had placed upon the Paper. He trusted, therefore, unless the hon. Gentleman anticipated considerable opposition, that he would allow the Committee to proceed. There was only one other proviso—namely, that which stood in the name of the hon. Baronet (Sir Francis Goldsmid), and which provided that no man should under this clause be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling-house. To that also he had no objection, as it was quite in accordance with the spirit of the Bill. If the consent of the Committee could be obtained to those two additions that night, this celebrated Clause 3 would be passed. In that case he would, when the House again went into Committee, move that the other clauses to Clause 34 be postponed. They might then settle the question of compound-householders, and thus end everything connected with the borough franchise.

MR. WATKIN said, that under these circumstances he begged to move, without making any observation, the proviso of which he had given notice.

MR. NEATE said, he objected to the course proposed, and moved that the Chairman report Progress. The Amendment of the hon. Member (Mr. Watkin) raised the most important principle in the Bill, and did not settle it. He objected to a house of two rooms being authoritatively stated by the House of Commons as a fit residence for a citizen of England. When the Amendment was discussed he should propose to add other qualifications.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Watkin.)

The Committee *divided*:—Ayes 48; Noes 235: Majority 187.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped after this division they might agree to pass the clause. ["No, no!"] It was very easy to say "No, no!" but he wished to hear some reason. Nobody voting on the Ministerial side wished in any way to be an obstacle to free discussion; but he hoped the Com-

mittee would proceed with an Amendment to which there was no opposition, and then pass the clause.

MR. WATKIN said, he would move "that no tenement should be considered a dwelling-house for the purposes of the Act, which contained less than two rooms." No civilized being should live in less than two rooms.

MR. GOSCHEN said, he thought that the Amendment of the hon. Gentleman was of no small importance. Many hon. Gentlemen had left the House under the belief that no further Amendment of importance would be proceeded with at that hour. ["Oh, oh!" and cries of "Gladstone!"] He was not ashamed to say that the right hon. Gentleman (Mr. Gladstone) was among them. He appealed to the Committee whether progress ought not to be reported. The Amendment of the hon. Gentleman affected the metropolis considerably. Not only a dwelling-house, in the sense of a separate house should confer a vote, but a part of a house separately rated should also confer a vote. There might thus be an apartment in a flat capable of accommodating a single man, which might be tenanted by a perfectly competent person, and yet the Amendment would exclude him from the franchise. It was not necessary there should be two rooms, provided the one was of a sufficient value. Certainly, the point was of too much importance to be decided at so late an hour.

MR. PEASE moved, as an addition to the Amendment of the hon. Member (Mr. Watkin), the words, "And that the said two rooms shall not, together, contain less than 1,600 cubical feet." He said that he thought that this was the smallest space in which human beings could live in moral and physical decency, and he trusted that the Committee would accept his Amendment. Various building societies were at present building rooms larger in size than those he would secure by his addition to the Amendment.

SIR ROUNDELL PALMER said, he considered that the Committee ought to report Progress. At an earlier stage some reference had been made to the case of flats in a house—as in those in Victoria Street—and of chambers in the Inns of Court, and the point involved was assuredly worthy of consideration. He ventured to suggest to both hon. Members that for the present they should withdraw their Amendments, provided the Government were

willing to consider how far in the interpretation clause the phrase "dwelling-house" would be found to meet what was thought desirable in this matter.

MR. WATKIN said, that all he wanted was to assert a principle, so that a hovel might not be ennobled and dignified by having the franchise attached to it. Several Gentlemen sitting on the front Opposition Bench had characterized his Amendment as hasty; but it had been on the Paper for a great many weeks, and he was sorry that they should have paid so little attention to it. He sincerely trusted the Committee would support him. He was quite willing to accept the Amendment of the hon. Member (Mr. Pease). This was a moral and social as well as a political question.

MR. THOMAS HUGHES said, that if the Committee agreed to the course just advocated a large number of competent voters would be disfranchised. He himself voted for Finsbury three times; but he only occupied one room there. The Amendment had been brought on by surprise, and to his knowledge several hon. Members had left the House under the impression that it would not be brought on to-night. He knew of several curates in London who lived in one room, and he was aware that many single artisans did the same. Under these circumstances, he moved that the Chairman report Progress.

THE CHANCELLOR OF THE EXCHEQUER: I am not disposed to oppose the Motion of the hon. Member (Mr. Hughes), not, however, that I at all sympathize with the motive that has induced him to bring it forward. The notice of the Amendment of the hon. Member (Mr. Watkin) has been upon the table for some considerable time, and every hon. Member has had an opportunity of forming an opinion upon it. The House might by this time have fairly discussed and come to a division upon the question during the hour which has been wasted—an hour which at this period of the Session was of great importance. It would, however, be most unwise were the Government, in the face of an active minority, to attempt to force the House into an expression of its opinion upon the question, under present circumstances, notwithstanding the large majority in favour of passing the clause now. When I consider the great labours of the House, and when I recollect that we have advanced to this stage of a great question on the whole with great good temper, I cannot

[Committee—Clause 3.]

refuse to assent to the Motion of the hon. Gentleman, though I do so with regret.

House resumed.

Committee report Progress; to sit again upon *Thursday* next.

VICE PRESIDENT OF THE BOARD OF
TRADE (*re-committed*) BILL—[BILL 22.]

(*Sir Stafford Northcote, Mr. Cave, Mr. Hunt.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
“That Mr. Speaker do now leave the
Chair.”

MR. CHILDERS said, the object of this Bill was to substitute for the office of Vice President of the Board of Trade a Secretary having a salary of £1,500 per annum, who should not be compelled to resign his seat on accepting office. He approved of the measure so far as it would save £500 by substituting a Secretary for the Vice President of the Board of Trade; but he thought that part of it which proposed that the Secretary should not vacate his seat on his appointment was objectionable. This question was in truth closely connected with a much larger subject, which must some day undergo discussion—namely, the question of vacating seats upon the accession to or transfer of offices. The right hon. Gentleman (Mr. Stephen Cave) had been in error on a former occasion in representing that no official in the position of a Secretary vacated his seat by the acceptance of office. The Secretary to the Lord Lieutenant, although holding the position of Secretary to another Minister, invariably submitted himself for re-election to his constituents.

MR. STEPHEN CAVE said, that if the Government were proposing to establish a new principle in this matter there would be great force in his hon. Friend (Mr. Childers') remarks. But they did not make any such proposal. They abolished an office which carried with it the obligation of re-election, and substituted for it an office which, by analogy with the corresponding offices in other departments, did not impose such an obligation. If an Under Secretaryship were created of the former character, they would be establishing a new principle, and breaking through an old-established rule. It would be most unreasonable that, while the Under Secretaries in the great offices of the Secretaries

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of State were exempted from the necessity of re-election, this obligation should be imposed upon the Under Secretary of the Board of Trade. His hon. Friend had instanced the Chief Secretary for Ireland; but his office was more akin to that of a Secretary of State. He was practically head of a Department, and was a Privy Councillor. The provision for vacation of seats by Members accepting office was originally intended, as hon. Members knew, to prevent the House of Commons being swamped by a multitude of placemen. It was, in fact, forced upon the Commons by the rejection of their provision for limiting the number of office-holders. It had been enacted by the Act of Settlement, A.D. 1700, that no person holding office or place of profit under the Crown should be capable of serving as a Member of Parliament. This provision proving, as might have been expected, extremely inconvenient, was repealed in 1706, by the statute of 6 *Anne*, called the Act of Security. From the great historian Hallam they learnt that when a clause called the long clause in this Act of Security—which while limiting the number of placemen, admitted many more than now sit in the House of Commons—was thrown out by the Lords, the Commons, finding themselves unable to maintain their ground, consoled themselves for the enforced presence of an unlimited number of placemen by this provision for the vacation of seats by Members accepting office. The enactment was, in fact, originally, not for the expression of the opinion of a constituency on the acceptance of office by their representative, but for the absolute exclusion of redundant placemen. The object was loss of seat, not re-election. It might be said that a constituency ought to have the power of declaring whether it wished to be represented by an official or not, but when had such a plea in reality been urged? When a Member under such circumstances had failed in his re-election, had it not been in every instance from some other cause? What greater anomaly could there be than this, that when the first Lord of the Admiralty became Secretary for War in the same Administration he had to be re-elected, whereas, if the Government resigned, and he changed sides, he might remain as First Lord of the Admiralty under the new Government, repudiating all the principles upon which he was elected, and yet would not be obliged to go to his constituents? This regulation had long been felt

on all sides to be an anachronism, an obsolete provision, altogether unsuited to an age in which we certainly could not complain of the excessive power of the Crown; a provision which in reality created annoyance, delay, and expense, and benefited no one except those who gained a livelihood in the troubled waters of elections. These remarks pointed rather to the general question; but whatever might be the opinion of hon. Members on this, he did not think they would wish to extend the application of the rule to an Under Secretaryship, an office the appointment of which was, strictly speaking, not in the Crown but in the head of the Department. The Return lately presented to the House showed no increase in Crown patronage, for though there was one more office than in 1827, the acceptance of which did not vacate the seat, there were five fewer offices of profit altogether, and there was this further difference between the present office of Vice President and that of Under Secretary, that the Vice President held two offices which vacated seats, one being that of Paymaster General—if that could be called an office of profit to which no salary is attached. This office, however, would not be attached to that of Under Secretary. He hoped the House would allow the clause to pass without the proposed alteration.

MR. NEATE said, the arguments of the right hon. Gentleman (Mr. Cave) were entirely conclusive. The reference to the Chief Secretary for Ireland was inappropriate, because the Lord Lieutenant was the *locum tenens* of the Queen and the representative of Royalty in that country. His Chief Secretary was not only a high officer of State but frequently sat in the Cabinet.

MR. SERJEANT GASELEE said, he must insist on the importance of re-election upon accession to office. If an hon. Gentleman who had recently crossed the floor of the House, and was now a Judge, had not sat for a close borough, he would probably have paid the penalty of exclusion for his change of opinions.

LORD NAAS said, the allusion just indulged in was plainly intended for his right hon. Friend Judge Morris. But the statement of the hon. and learned Gentleman was entirely erroneous. Galway was no more a close borough than the City of London. His right hon. Friend, in the interval between the accession to office of the present Government and his becom-

ing a Judge, was twice elected by the constituency by very large majorities.

MR. CHILDERS said, he would not put the Committee to the trouble of dividing.

Bill considered in Committee.

House resumed.

Bill reported, without Amendment; to be read the third time To-morrow.

ARMY ENLISTMENT BILL.

On Motion of Sir JOHN PAKINGTON, Bill for limiting the period of Enlistment in Her Majesty's Army, ordered to be brought in by Sir JOHN PAKINGTON, Mr. HUNT, and Sir JAMES FERGUSSON. Bill presented, and read the first time. [Bill 147.]

ARMY RESERVE BILL.

On Motion of Sir JOHN PAKINGTON, Bill to consolidate and amend the Acts for rendering effective the service of Chelsea and Naval Out-pensioners and Pensioners of the East India Company, and for establishing a Reserve Force of men who have been in Her Majesty's Service, ordered to be brought in by Sir JOHN PAKINGTON, Mr. HUNT, and Sir JAMES FERGUSSON. Bill presented, and read the first time. [Bill 148.]

MILITIA RESERVE BILL.

On Motion of Sir JOHN PAKINGTON, Bill to form a Reserve of men in the Militia to join Her Majesty's Army in event of war, ordered to be brought in by Sir JOHN PAKINGTON, Mr. HUNT, and Sir JAMES FERGUSSON. Bill presented, and read the first time. [Bill 149.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, May 14, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—Contagious Diseases (Animals)* (98).
Second Reading—Clerical Vestments (No. 2) (72), debate adjourned.
Third Reading—Inclosure* (65); Local Government Supplemental* (89); Land Drainage Supplemental* (90), and passed.

CLERICAL VESTMENTS (No. 2) BILL.

(The Earl of Shaftesbury.)

(NO. 72.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF SHAFTESBURY*: In rising to move the second reading of the Bill which is now before your Lordships, I think there is no occasion for me to remind the House of the necessity that exists for

passing some measure on this subject. The question has been so long before the public, and has given rise to so much agitation throughout the country—we have had so many remedies proposed for the evils that exist in connection with this matter by the clergy, the Bishops, and the laity, that I think it must be apparent to every person that some remedy must be adopted to check certain practices that are now prevalent. It has been stated that I have been somewhat hasty in this matter. But, my Lords, this is a matter which has been long considered by the country. I have long had it before me. I propounded this measure to your Lordships in the month of March, and it is now the 14th of May before we come to the second reading. Subsequently to my propounding it, it was proposed that a Commission should issue to take into consideration all matters connected with Ritualistic practices; nevertheless, I thought it my duty to persevere with the measure. I offer no impediment to the Commission; but there happens to be one part of Ritualistic practice which has created so much alarm and dissatisfaction among the community, which has so disturbed men's minds and consciences, that I am of opinion that no delay ought to be allowed to intervene before the matter is discussed, and some remedy, at least, attempted. Now, the remedy I wish to propose is not by introducing any innovation. What I maintain is, that these Ritualistic practices are a great innovation on the system and conduct of the Church. Yet I do not meet innovation by innovation, and so make matters worse. I wish to see the usage and practice of the Church ever since the period of the Reformation, which has been sanctioned by experience, which has given contentment and satisfaction to our forefathers, our fathers, and ourselves—I wish to see that usage embodied in an Act of Parliament, and that statutory effect may be given to the usage of this country which has now subsisted for more than 300 years. To effect this purpose, I take the spirit and, in great measure, the words of the 58th Canon, and engraft them on the Bill now before your Lordships. Although there may be a slight alteration in the words, yet in principle and details the spirit of the canon is preserved.

It will be my duty, I fear, to detain your Lordships by reading a certain amount of documentary evidence, because I am anxious to prove that the law and authorities are on our side, from the Reformation down to

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the present day—to justify the course I pursue, and show that what I propose to enact has been the law of the Church of England, recognised in past times by all her great prelates and divines, recognised at the present moment by the two Houses of Convocation, and, I believe, by the great body of the clergy. To show that what I propose has been the law of the Church from the earliest period, I must first recite the rubric in the Second Prayer Book of Edward VI., of 1552—

“And here it is to be noted that the minister at the time of Communion, and at all other times of his ministration, shall use neither alb, vestment, nor cope; but, being Archbishop or Bishop, he shall have and wear a rochet; and, being a priest or deacon, he shall have and wear a surplice only.”—[*Liturgies of Edward VI., Parker Society Ed.*, p. 217.]

This was the statute law of the Church, as enacted by Cranmer, Ridley, and other Protestant martyrs. In the time of Queen Mary the statute was repealed; but on the accession of Elizabeth, power was given to Her Majesty to issue advertisements that should have the nature of law. In 1564 Strype says [3 *Strype's Parker*, p. 65]—

“The advertisements arose in this way:—The Queen directed her letter this year (1564), in the month of January, to her Archbishop, requiring him, with other Bishops in the Commission for Causes Ecclesiastical, that orders might be taken, whereby all diversities and varieties among the clergy and laity, as breeding nothing but contention and breach of common charity, might be reformed and repressed, and brought to one manner of uniformity throughout the realm.”

The result was, that in 1565 Queen Elizabeth issued her advertisements in respect of the ornaments of the ministers, one of which [*Sparrow's Articles*, 124] was as follows:—

“That every minister saying any public prayers or ministering the Sacrament, or other rites of the Church, shall wear a comely surplice with sleeves, to be provided at the charge of the parish.”

Now follows the recognition (and it is worthy of great attention) by the prelates in their injunctions and visitation articles, that the surplice was the only dress of the minister between the time of the issuing of the advertisements of Queen Elizabeth and the passing of the Canons of 1604. Parker, in his Visitation Articles in 1569 [1 *Cardwell, Doc. Ann.*, 356], inquires—

“Item, whether your priests, curates, or ministers do use in the time of the celebration of Divine service to wear a surplice prescribed by the Queen's Majesty's Injunctions, and the Book of Common Prayer, and whether they do celebrate the same Divine service in the chancel or in the

Church, and do use all rites and orders prescribed in the Book of Common Prayer, &c., and none other."

Sandys, Bishop of London, in his Injunctions, 1570, orders the clergy in all Divine service to wear the surplice. Grindal, Archbishop of York, in his Injunctions for the province in 1571, directs [2 *Strype's Annals*, 6] the clergy—

"At all times when ye minister the Holy Sacrament . . . and other Divine service in your parish churches and chapels, ye shall when ye minister wear a clean and decent surplice with large sleeves."

At the same Visitation, Archbishop Grindal orders the churchwardens and ministers to see that—

"All vestments, albs, tunicles, stoles, phanons, pyxes, paxes, handbells, sacring bells, censers, chrismatories, crosses, candlesticks, holy water, stocks, fats, images, and all other monuments of superstition and idolatry, be utterly defaced, broken, and destroyed."—[*Grindal's Remains*, 124.]

Again, the Archbishop, in his Metropolitan Visitation in 1576, inquires—

"Whether you have in your parish churches and chapels all things requisite for the common prayer and administration of the sacraments, specially the Book of Common Prayer with the new calendar . . . and a large decent surplice with sleeves. Whether all and every antiphoners, mass books . . . all vestments, albs, &c., . . . be utterly defaced, broken, and destroyed. Whether your pastor do wear any cope in any parish church or chapel."—[pp. 157—9.]

Now, observe, my Lords, that here another authority interposes—the authority of the University. Dr. Caius, in 1572, was charged at his College with Romanizing.—*Strype* [1 *Strype's Parker*, 399] says—

"For that he had a kindness it appears in his private reservation of abundance of Popish trumpery, which he might think could come in play again; and so that, out of good husbandry, preserved them, to save the College the charge of buying new furniture for the chapel. But, in the year 1572, all came out, for the fame hereof coming to the ears of Sandys, Bishop of London, he wrote earnestly to Dr. Byng, Vice Chancellor, to see those superstitious things abolished. Byng could hardly have been persuaded that such things had been by him reserved; but, causing Caius's own company to make search in that College, he received an inventory of much Popish ware, as vestments, albs, tunicles, stoles, manicles, with other such stuff as might have furnished divers masters at one instant. It was thought good by the whole consent of the heads of the houses to burn the books and such other things as served most for idolatrous abuses, and caused the rest to be defaced, which was accomplished the 13th of December, 1572, with the willing hearts, as it appeared, of the whole company of that house."

My Lords, I continue the episcopal testimony.

Archbishop Whitgift, in 1584, required—

"That all preachers and others in ecclesiastical orders do at all times wear and use such kind of apparel as is prescribed unto them by the Book of Advertisements and Her Majesty's Injunction."—[1 *Cardwell Doc. Ann.*, 468.]

In the same year, in the Visitation Articles for the diocese of Chichester (*sede vacante*), he asks—

"Doth your minister in public prayer wear a surplice, and go abroad apparelled as by Her Majesty's Injunctions and Advertisements is prescribed?"—[*Strype's Whitgift*, 243.]

Piers, Archbishop of York, in 1590, follows, and [Robertson, 97] asks—

"Whether all copes, vestments, albs, tunicles . . . and such like reliques of Popish superstition and idolatry be utterly destroyed and defaced?"

Now, my Lords, I request you to observe the agreement between the Canons of 1571 and the Canons of 1604. The Canons of 1571 and the Canons of 1604 recognise the surplice with the hood as the only dress for the minister during the time of public prayers, being in strict accordance—let not this escape attention—with the Second Prayer Book of Edward VI., and the advertisements of Queen Elizabeth. The Canons of 1571 contain the following order:—

"No dean, nor archdeacon, nor residentiary, nor master, nor warden, nor head of any college or collegiate church, neither president nor rector, nor any of that order, by what name soever they be called, shall hereafter wear the gray amice, or any other garment which hath been defiled with like superstition; but every one of them in his own church shall wear only that linen garment which is as yet retained by the Queen's command, and also his scholar's hood, according to every man's calling and degree in school."—[1 *Cardwell, Synodalia*, 116, Ed. 1842.]

And Canon 58 of Canons of 1604, which is embodied in the Bill, requires—

"That every minister saying the public prayers or ministering the sacraments or other rites of the Church shall wear a decent and comely surplice with sleeves, to be provided at the charge of the parish. And if any question arise touching the matter, decency, or comeliness thereof, the same shall be decided by the discretion of the ordinary. Furthermore, such ministers as are graduates shall wear upon their surplices at such times such hoods as by the orders of the Universities are agreeable to their degrees, which no minister shall wear, being no graduate, under pain of suspension. Notwithstanding, it shall be lawful for such ministers as are not graduates to wear upon their surplices, instead of hoods, some decent tippet of black, so it be not silk."

This canon, my Lords, is essentially the same as the rubric in the Second Prayer Book of Edward VI. and the advertisements

of Elizabeth, and in strict accordance with the Injunctions and Visitation Articles issued by the Archbishops and Bishops since the passing of the second Act of Uniformity of Edward VI. Let me now draw your attention to the recognition by prelates of the use of the surplice after the Canons of 1604, and before the enactment of the present Prayer Book in 1662. Bishop Cosin, in 1627, inquired, in the articles for the Archidiaconal Visitation of that year, whether—

“The minister doth observe all the orders, rites, and ceremonies prescribed in the Book of Common Prayer in such manner and form only as is there enjoined, without any omission, or addition, or alteration whatsoever? (He was not a Bishop at the time.) Whether in the time of public and Divine service . . . and at all other times of his ministration, when any Sacrament be administered, or any other rite or ceremony of the Church solemnized, use and wear the surplice without any excuse or pretence whatever; and doth he never omit the same.”
—[2 *Cosin's Work*, 19.]

Observe, now, the recognitions by prelates of the use of the surplice, after the enactment of our present Prayer Book. Bishop Cosin, in his Visitation, October 1662—I may here observe that this eminent Bishop is ranked by all as among the very highest authorities of the Anglican Church—the Bishop—

“Requires the surplice to be worn with the habit by the ministers at the reading or celebrating any Divine office; and asks whether the lecturer read service, and that in a surplice; and whether, in lecturing, he used the ecclesiastical habit appointed for all ministers of the Church.”

Archdeacon Harrison (on the *Rubrics*, 175) has the following note upon the word “habit”:—“This is obviously the gown.” To proceed, Archbishop Frewen, in 1662, in his Visitation Articles for the diocese and Province of York, asks—

“Have you a decent surplice for your parson, vicar, curate, or lecturer, to wear in the time of public ministration? Doth he read the Book of Common Prayer, &c., and doth he wear the surplice while he performs that office, or other offices mentioned in the Book of Common Prayer?”

In 1670, Laney, Bishop of Lincoln, in his Visitation Articles, inquires—

“Doth your minister, at the reading or celebrating any Divine office in your Church or chapel, wear the surplice, together with such scholastic habit as is suitable to his degree?”

And in 1674, Bishop Fuller, the successor of Bishop Laney, makes the like inquiry as his predecessor. In 1670, Archbishop Sheldon requires of his clergy—

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“An exemplary conformity in their own persons and practice to His Majesty's laws and the rules of the Church . . . and that in time of such their officiating they ever make use of, and wear their priestly habit, the surplice and hood.”—[2 *Cardwell, Loc. Ann.*, 328.]

Dr. Owtram, Archdeacon of Leicester, inquires, in 1676—

“Have you a large surplice for the use of your minister in his public administrations?”

And, in 1679, Bishop Barlow, in his Visitation Articles of the diocese of Lincoln, inquires—

“Have you a fair surplice for the minister to wear at all times of his public ministration provided at the charge of the parish, and doth he make use of the surplice when he reads Divine service or administers the Sacrament?”
—[*Harrison*, 178.]

And here, my Lords, I ask you, can we have a more uniform, more connected *catena patrum* — (*catena* is the word, I believe—in the present day) than this which I have just concluded?

But I will now call attention to what has taken place in more modern times, in reference to the dress of the ministers. In the Lower House of the Convocation of the Province of York the following resolution, seconded by the Dean of Ripon in a powerful speech, was adopted in March of the present year—

“Whereas certain vestments and ritual observances have recently been introduced into the services of the Church of England, this House desires to place on record its deliberate opinion that these innovations are to be deprecated, as tending to favour errors rejected by that Church, and as being repugnant to the feelings of a large number of the laity and clergy; and this House is further of opinion that it is desirable that the dress of a minister in public prayer, and the administration of the Sacraments and other rites of the Church, should continue to be the surplice, academical hood (or tippet for non-graduates), and the scarf or stole, these having received the sanction of long-continued usage.”
[*Dean Goode's Speech in Convocation*.]

This resolution was passed unanimously by the Upper House, and was carried by 23 to 7 in the Lower House.

And here I think it right to bring under your Lordships' notice a declaration of the American Bishops, in March 1867—the testimony of the Episcopal Church in the United States, identical in creed and discipline with our own. Your Lordships will not fail to see the value of it. The declaration of the assembled Bishops is as follows:—

“And we therefore consider that, in this particular national Church, any attempt to introduce into the public worship of Almighty God usages

that have never been known—such as the use of incense, and the burning of lights in the order for the Holy Communion; reverences to the Holy Table or to the elements thereon, such as indicate or imply that the sacrifice of our Divine Lord and Saviour, ‘once offered,’ was not a ‘full, perfect, and sufficient sacrifice, oblation, and satisfaction for the sins of the whole world;’ the adoption of clerical habits hitherto unknown, or material alterations of those which have been in use since the establishment of our episcopate—is an innovation which violates the discipline of the Church, ‘offendeth against its common order, and hurteth the authority of the magistrate, and woundeth the consciences of the weak brethren.’”

I will now close this part of the subject by reading to your Lordships the opinion of the Province of Canterbury. The Resolution passed by the Upper House of the Southern Convocation in February last stands thus—

“Resolved,—That having taken into consideration the Report made to this House by the Lower House, concerning certain ritual observances, we have concluded that, having regard to the dangers (1) of favouring errors deliberately rejected by the Church of England, and fostering a tendency to desert her communion; (2) of offending, even in things indifferent, devout worshippers in our churches, who have been long used to other modes of service, and thus of estranging many of the faithful laity; (3) of unnecessarily departing from uniformity; (4) of increasing the difficulties which prevent the return of separatists to our communion—we convey to the Lower House our unanimous decision that, having respect to the considerations here recorded, and to the rubric concerning the service of the Church in our Book of Common Prayer, to wit,—‘Forasmuch as nothing can be so plainly set forth but doubts may arise in the use and practice of the same, to appease all such diversity (if any arise), and for the resolution of all doubts concerning the manner how to understand, do, and execute the things contained in this book, the parties that so doubt, or diversely take anything, shall always resort to the Bishop of the diocese, who, by his discretion, shall take order for the quieting and appeasing of the same, so that the same order be not contrary to anything contained in this book; and if the Bishop of the diocese be in doubt, then he may send for the resolution thereof to the Archbishop’—our judgment is, that no alterations from long-sanctioned and usual ritual ought to be made in our churches until the sanction of the Bishop of the diocese has been obtained thereto.”—[*Dean Goode's Remarks, &c.*]

This resolution is quoted to show the opinions entertained by the Prelates of the impropriety and danger of these Ritualistic observances, not by any means in approval of the remedy they propose. And I now come to the Bill, which I ask your Lordships to read a second time. The object of the measure is simply, as I have said before, to give statutory effect to the principle of the Canon of 1604, which has had the effect of governing the system of the

Establishment from that time to the present, and of securing peace and harmony among our communion. I do not know what objections are entertained to the Bill, beyond two or three unimportant criticisms. The first is that the Bill touches but one point. That is true, and the reason is because it is the only point on which there is really any legal doubt. There is no doubt about incense, lights, and other points, but there is a doubt about vestments; and therefore it is the subject to which the attention of Parliament should be more immediately drawn. It is the one point which of all others most disturbs and alarms the minds of the laity, which is the most prominent, which strikes the eyes with the greatest force, and goes the deepest into the hearts and convictions of the people. This is the reason why I thought that no time should be lost in submitting a Bill on the subject to your Lordships; and, should your Lordships not think proper to adopt it, some other measure might be proposed more acceptable to the House. The next objection is one taken to the provisions of the Bill. I have received numerous letters in reference to the measure; but I do not think the objections expressed in any of them go beyond mere matters of the smallest detail. Great care has been taken, in preparing the Bill, to make nothing lawful or unlawful which is not so at present. Any alterations as to matters of detail can be made in the Committee; but they would be so small and slight that were they not made it would not be of any importance. I am censured, too, for proceeding by law. Why, my Lords, law, or fancied law, is the cause of the whole mischief, and by law alone it must be removed. Again, the proceeding by way of Commission has also been urged as vastly preferable. But your Lordships are now aware that the promised Commission did not precede the Bill, but that the Bill preceded the Commission; and it was not until the Bill had been some time on the table of the House that a Commission was suggested. I frequently consulted many of the right rev. Prelates in private, and showed them the Bill. Little or no objection was expressed to the course of proceeding I proposed to pursue, and many of them gave me very strong hopes that they would support the measure, considering it a great boon to the Church. If a Commission had been proposed some three years ago it might have been expedient to leave the subject to the investigation of

such a body; but to abandon an attempt at legislation now, in consequence of the promise of a Commission, of which we know neither the terms nor the members, and thereby to hang up the question for a considerable time, would cause great dissatisfaction to the country; and in the meanwhile the state of things which has created, and which is still creating, so much discontent would go on increasing without check or hindrance. By such a course you would be doing for the extreme Ritualistic party the very thing they would most heartily desire. I cannot give a better proof of my assertion than by reading an extract from one of their recognised and authorized organs, by which you will see that this is the policy which they most earnestly labour to accomplish. The value which they attach to delay may be gathered from the following passage, which I take from *The Church Times*:—

“In the meantime our counsel to our friends is, in homely phrase, to make their hay while the sun yet shines. Every Church that adopts the vestments renders their abolition a great deal more than proportionately difficult. We have no hesitation in saying that if the ornaments Rubric were only carried out in every church where it would be acceptable, our position would be impregnable.”

And hear, in confirmation of their policy, a book of the highest possible authority among them—a book full of amazing learning, but learning, no doubt, of a most useless character—here is a statement which completely harmonizes with the astute system thus counselled by *The Church Times* of making their position impregnable. The *Directorium Anglicanum* assures us that there are already “2,000 churches which have lights on the altars,” the result of secret and gradual advancement. *His brevisus principiiis, via sternitur ad majora.*

I think I have now shown your Lordships that some necessity exists for legislation, and that the line which I propose is founded on precedent, tradition, long and unbroken usage, on the contentment and satisfaction of the people, the peace of the Church; in short, on every consideration which tends to maintain unimpaired throughout the kingdom the blessings of civil and religious liberty. I must, however, ask your indulgence while I detain you a little longer. I am anxious, having disposed of the legal aspect of the question, to inquire whether we are not standing on the brink of a system which, if extended, may lead to the subversion of

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the Church of England itself, and bear along with it political evils tending to shake the existence of the Empire. There are so many points illustrative of that view that it would be unpardonable in me if I did not advert to one or two of them for the purpose of conveying conviction to your Lordships' minds. Here is one point which has, I confess, filled me with considerable alarm. A short time ago a very remarkable book was published, called *The Church and the World*; or, *Essays upon the Questions of the Day*, and I observe on referring to an authorized work, called *The Chronicle of Convocation*, June, 1866—a work analogous, so far as the proceedings of that body are concerned, to *Hansard*, for Parliamentary debates—that an event took place in the Upper House which I should like to state to your Lordships. The Bishop of Oxford, on the occasion to which I am referring, said—

“I have now to present to your Grace and this Upper House of Convocation a book which has been forwarded to me under cover, directed to the Upper House of Convocation. I have not read the book myself.”

I can well believe, my Lords, that the right rev. Prelate had not read it, for if he had done so he would, I am sure, have been one of the first to repudiate its contents. The title of the book was, he added, *The Church and the World*, and when he had presented it the Bishop of Salisbury rose, and, speaking in more precise language, said—

“I think we ought to present our thanks to the author of this book. I have read a good many of the essays contained in it, and they are most able. Although persons may differ from its conclusions, I am sure that everybody who takes the trouble of reading the work will find a great deal of matter in it admirably well put together.”

Now, my Lords, I have read the greater part of this book, and in my humble judgment I never opened a book more disloyal to the Church, to the Bishops, and I may add, to the truth. I will, with your Lordships' permission, give you one or two specimens of the character and purpose of this publication. To begin. We have said, my Lords, that the Ritualistic system adopted in many of our churches has altogether changed their Protestant character and given to them the appearance of Popish places of worship, so as scarcely, and oftentimes not at all, to be distinguishable from those of the Church of Rome. Well, that being so, one of the essays in this book contains the following passage:—

"Anglicans are reproached by Protestants with their resemblance to Romans; they say a stranger entering into a church where Ritual is carefully attended to might easily mistake it for a Roman service. Of course he might"—

Listen to these words, my Lords, "of course" he might—

"The whole purpose of the great revival has been to eliminate the dreary Protestantism of the Hanoverian period, and restore the glory of Catholic worship; the churches are restored after the mediæval pattern, and our Ritual must accord with the Catholic standard. . . . Ritual, like painting and architecture, is the only visible expression of Divine truth. Without dogma, without any esoteric meaning, Ritual is an illusion and delusion, a lay figure without life or spirit, a *vox et præterea nihil*."—[p. 212.]

The book urges also the celibacy of the clergy. A whole essay, indeed, is devoted to the object of demonstrating that the unmarried state is the highest state of human existence. It urges, moreover, the revival of religious confraternities, while one of the essays proceeds to contend that the Church ought to be assimilated to the theatre.

"Managers," it says, "have constantly been compelled to make gorgeous spectacle their main attraction; and a splendid transformation scene or a telling stage procession will draw crowds night after night, even in the absence of any theatrical celebrity. Hence a lesson may be learnt by all who are not too proud to learn from the stage. For it is an axiom in lithurgiology that no public worship is really deserving of its name unless it be histrionic."

Here, my Lords, we have it declared that the simple worship of the Almighty as hitherto observed in our churches is now to be converted into a histrionic display, and that the house of God is to be turned into a stage, where gorgeous processions are to take the place of spiritual service, and religion is to be turned into a glittering drama. Again, the following passage approaches very close to the adoration of the Virgin:—

"The veneration of the blessed Virgin I perceived to a certain extent really exalted our Divine Lord, by showing the dignity attached to everything connected with the incarnation, and that Protestants misunderstand it because they practically degrade Him to the level of a saint, and then of course are shocked at any human creature being compared with Him.

In another essay we have the value and necessity of the Confessional vigorously asserted. It contains a remarkable statement, which purports to be written by a lady, who gives details of what took place when she, a young girl, went to confession without the sanction of her parents,

her confession occupying six hours. She adds—

"Years have passed since then, days and weeks of severe suffering, mental and bodily, but never anything that can be compared to those hours and the weeks that followed them, and I know that I can never pass through anything worse on the earth side of the grave."

She goes on to say how absolutely indispensable confession is, and she assigns this as her reason—

"Many persons think that their sins confessed in secret to God are fully confessed. I believe it to be a most fatal mistake."

Now, was there ever before, my Lords, a doctrine such as this, sanctioned by the approval of a Protestant Bishop? Was there ever a doctrine so calculated to found, and maintain, a system of sacerdotal tyranny? That no intercourse can take place between a man and his Maker, without the intervention of some priest, weak and fallible as himself, is a dogma as false as it is revolting. Yet these are but samples, and those not the most violent and extreme that might be quoted from this book. Surely it is a sign of the times that such avowals have been befriended by Episcopal authority.

And now, my Lords, can we wonder at results such as I will now put before you? Can we wonder at a narrative such as that which is extracted from *The Church Review* of the 18th of November, 1865, describing the scenes that occurred at the church of St. Lawrence, Norwich, a few days before with reference to the dedication of a cope—

"The Church of St. Lawrence, Norwich.—On Sunday last an unusual ceremony was witnessed at this church. A cope had been purchased by a Cambridge undergraduate, and, at his wish, was presented and duly dedicated to God's service in a particularly impressive manner. The usual procession of choir and priest entered the church for evensong, headed by the crucifer. At the rear, immediately before the thurifers, the cope was carried by the deputed person who acted for the donor; the priest went to the altar accompanied by the thurifers. At the bottom step of the sacrarium the cope was presented to him with these words:—'Reverend Father, in the name and on behalf of the donor, I present this cope for use by the priest in this Church of St. Lawrence on all fitting occasions.' The priest received it with these words:—'We receive this cope to the glory of God and for use in this church of St. Lawrence in the name of the Father, and of the Son, and of the Holy Ghost, Amen.' The priest then duly presented it on the altar and incensed it, after which suitable versicles, responses, and a prayer were used. Then the priest was vested in the cope and remained so until after the Magnificat. The cope is of rich gold

and white brocatelle, with crimson orphreys and hood."

My Lords, I suspect a frugal mind, as well as a devout heart, in this narrative, for it is added—

"The cope was supplied by Mr. R. L. Bloomfield, and is the same as shown at the Ecclesiastical Art Exhibition at Norwich."

The stories of this kind in reference to our churches and chapels might be largely multiplied, and notably I might call your attention to the church of St. Raphael's, Bristol. Now, this cope is, after all, but a very servile imitation of the Holy Coat of Treves; still, that coat, miserable as it was, excited very great commotion throughout many parts of Germany. It is, indeed, our interest, no less than our duty, to mark the extremes to which these things are carried, and the necessity that they should be checked. At this moment there are very many men, of great ability, great zeal and learning, all engaged in an endeavour to promote and fix in the hearts of the people this Ritualistic system. And, to prove my position, I must advert to a book of the highest authority with the Ritualists, which shows the great lengths to which they have gone and, beyond dispute, to which they intend to go. The work which I am about to quote is the *Directorium Anglicanum*, a work of authority; and it thus lays down the mode of worship which, the writers assert, ought to be observed in the Church of England. It says—

"Ritual is the expression of doctrine, and a witness to the Sacramental system of the Catholic religion."

Very well to begin with—the various vestments are also described, and the times and seasons at which they are to be worn thus pointed out—

"The order of the many-coloured vestments:—White, from the evening of Christmas Eve to the Octave of the Epiphany, &c.; Red, Vigil of Pentecost, and all other feasts; Violet, from Septuagesima to Easter Eve, &c.; Black, Good Friday and public fasts; Green, all other days."

From this your Lordships will be able to see the advanced position of the Sacramental system occupied by a portion of the clergy. Now, follow a few of the orders and injunctions for the administration of the Sacraments—

"The greatest care should be taken to avoid the sacrilege of allowing the smallest particle to fall from the ciborium or pyx, &c.—It is impossible to communicate persons (who put their faces on the floor or kneel away from the cushion) without the greatest danger to the blessed Sacrament. After the Consecration prayer, it is most desirable that no person passes before the blessed

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Sacrament, without genuflecting, bowing, or some token of reverence."

Is not this, my Lords, an act of adoration?

"Let the priest test it by his minister, who will taste both the wine and water. But the priest himself ought not to taste it, . . . (but) pour a drop on his hand, rub it with his fingers and smell it. . . . If it is too watery, he must not use it unless he knows that the wine exceeds the water. He shall fetch a breath, and with one inspiration shall say, '*Hoc est enim corpus meum*,' so that no other train of thought shall intermingle with (the words). Again, he should never take the chalice at one draught, lest, by reason of the impetus, he should unadvisedly cough; but twice or thrice he should take it warily. Before mass the priest is not to wash his mouth or teeth, but only his lips from without, with his mouth closed, as he has need; lest, perchance, he should intermingle the taste of water with his saliva. If, after having communicated of the body, he shall have the water already in his mouth, and shall then for the first time perceive that it is water. . . . it is safer for him to swallow than eject it; and for this reason, that no particle of the body may be ejected with the water. If a fly or spider, or such like thing, should fall into the chalice, after consecration, it should be warily taken out, oftentimes diligently washed between the fingers, and then burnt, and the ablution, together with the burnt ashes, must be put into the piscina."

[*A laugh.*] My Lords, I do not quote these things to provoke laughter; far from it. Strange and abhorrent as they may be to our Protestant feelings, there are many earnest, though deluded, minds that hold and teach them, and of such it is far from my wish to speak with contempt. The book then goes on to say—

"If the consecrated host . . . slip from the priest's hands into the chalice . . . he ought not to take it out of the blood, but proceed in making the sign of the cross, and other matters, as if he held it in his hand. If the Eucharist has fallen to the ground, the place where it lay must be scraped, and fire kindled thereon, and the ashes reserved beside the altar. In a similar case we (Ed. D. A.) should put the ashes down the piscina. If any of the blood be spilled upon a table fixed to the floor the priest must take up the drop with his tongue, &c., and he to whom this has befallen must do penance forty days."

Observe, my Lords, the constant repetition of the word "blood," showing the identity with the Roman system.

"If any one, by any accident of the throat, vomit up the Eucharist, the vomit is to be burnt and the ashes reserved near the altar, and if he shall be a cleric he must do penance forty days, if a Bishop"

I call the attention of the Episcopal Bench to this—

"seventy days, if a laic thirty days."

Well, my Lords, are we then to return to the burdens that neither we nor our fathers

were able to bear? Are we to be subjected to a system of Ritualism which, if merely for decoration, is childish and irreverent; but which, if symbolical of the deepest mysteries of our faith, amounts to blasphemy? Will your Lordships take the trouble to look at the Preface of the Book of Common Prayer, and read that part of it which explains why certain ceremonies were retained and certain others were rejected? You will see a reference to the fact that there the great St. Augustine complained of the intolerable yoke of ceremonial in his times, and spoke of the condition of Christian people as being worse in that respect than that of the Jews. The paragraph goes on to ask if St. Augustine had lived in those days what would he have said at seeing such a multiplication of observances? Said! why, would he not have said that our Protestant worship is a worship in spirit and in truth, and that it recognises only so much outward observance as is necessary for reverent and decent devotion? This state of things is, beyond denial, tending to Popery, and such is the assertion of many of our Prelates; and unless it be checked it must issue in Romanism. Speaking in Convocation in February, 1866, the Bishop of Llandaff said—

“This has been called a Romeward movement, while others have denied that it is so. I cannot but consider this a Romeward movement, and a very rapid movement.”

What says the Bishop of St. David's?—

“Nothing, in my judgment, can be more mischievous, as well as in more direct contradiction to notorious facts, than to deny or ignore the Romeward movement.”

And here I cannot hesitate to call your Lordships' attention for a moment to an ancient writer, whose words are curious as showing how identical are the policy and action of those who now seek to bring back Popery with the action of the men who 300 years ago were opposed to the spirit and principles of the Reformation. In *Cardwell's History*, in reference to the Conference of 1559—

“Gualter, it states, also the friend and colleague of Bullinger, writing to the Queen's physician early in the year 1559, and alluding to the attempts at comprehension, entreats that they would not harken to the counsels of those men who, when they saw that Popery could not be honestly defended nor entirely retained, would use all artifices to have the outward face of religion to remain mixed, uncertain, and doubtful, so that while an Evangelical Reformation is pretended, those things should be obtruded upon the Church which will make the returning back to Popery, to superstition, and to idolatry very easy.”

Mark these last words, “The return to Popery, superstition, and idolatry very easy.” In 1867, 300 years after, listen to the same designs, the same hopes, the same facilities. The whole scheme is set out in *The Church Times* of March 30, the acknowledged organ of the Ritualistic party—

“The address of Dr. Pusey,” (says the journal) “to the members of the English Church Union at their last monthly meeting is one of considerable significance, and fraught with most important lessons for the present time. It is, simply, a formal declaration of war—war against unbelief, against coldness, against timidity, against all which goes to make up that form of religionism which dignitaries call safe, and *The Times* calls English. War then it shall be. But, that point once settled, the question is, What shall be the tactics by which the campaign shall be conducted? The advice of Dr. Pusey is this: Let no further advances be made for the present, but all attention be concentrated in fortifying the position already attained, and in completing the military education of the Church's army. This is the method by which Russia has pushed her way so steadily and permanently into the far East.”

Observe, my Lords, the dexterity and astuteness with which they press everything into their service.

“A fort is erected in the enemy's country, with clear lines of communication back to the basis of supply. A village of soldier-colonists gathers round the fort, and civilians follow where a market springs up. When the post has been Russianized it becomes, in its turn, the base line of operation, and another fort is thrown out some score of miles in advance, and the process is repeated, until, as we have seen, Khokan, Bokhara, and the neighbouring territories are in a fair way to be as Slavonic as Kazan and Perm. But two rules are inexorably maintained. No fort is erected at a dangerous distance from the base line, and no non-combatants are allowed to be the pioneers of colonization. Exactly identical with this should be our policy. Churches like St. Alban's, Holborn, and St. Lawrence's Norwich,”

(Observe this, my Lords, the Church of the Holy Cope!)

“books like the *Altar Manual*, the *Priest's Prayer Book*, and the *Church and the World*,”

(Bear in mind the title of this book)

“fairly represent the most advanced post yet reached by the Catholic Revival in England. They are not the ultimate goal.”

What is it then, my Lords?

“Why, the final aim, which alone will satisfy the Ritualists, is the reunion of Christendom and the absorption of Dissent within the Church.”

Here, then, my Lords, is the true object avowed—the subjugation of all Christendom—namely, body, soul, and spirit, to sacerdotal dominion. The journal proceeds—

“This, then, is the thing to do. Let the advanced posts remain as they are. Let each of

those which is a little behind, and only a little, gradually take up the same position, and let this process be carried on (only without haste or wavering) down to the last in the chain. Let a gradual change be brought in."

I beseech your attention, my Lords, to the quiet and secret progress—

"A choral service, so far as Psalms and Canticles are concerned, on some week-day evening, will train people to like a moral ornate worship, and that which began as an occasional luxury, will soon be felt a regular want. Where there is monthly communion, let it be fortnightly; where it is fortnightly, let it be weekly; where it is weekly, let a Thursday office be added. Where all this is already existing, candlesticks with unlighted candles may be introduced. Where these are already found, they might be lighted at Evensong. Where so much is attained, the step to lighting them for the Eucharistic Office is not a long one. Where the black gown is in use in the pulpit on Sundays, let it disappear in the week. The surplice will soon be preferred, and will oust its rival. It is easy for each reader to see how some advance, all in the same direction, can be made, and that without any offence taken."

The resistance of our forefathers in the days of Queen Elizabeth has given us a Protestantism of 300 years; may the resistance in the present day assure to us one of no less duration!

And now it may be asked why a layman should deal with this question. My Lords, I will tell you at once why I have undertaken the duty of bringing this subject under your notice. For a very long time the laity of the Church of England have been looking for assistance in every direction. They have turned to the clergy—they have turned to the Bishops. They have been answered by charges and exhortations; but nothing effective has been done for their relief—and this is the answer why the laity have resolved to take the matter into their own hands. They think, moreover, that the Bishops require the assistance of the laity; and they have determined, with them, or without them, to make every attempt in their power to remove this abuse from the fair face of the Established Church. In common with many others, I was, I confess, alarmed in no slight degree at what occurred in the early part of this year (in the month of February). The Most Rev. Primate had put out an invitation to the Bishops of both provinces to meet at Lambeth in order to discuss various important subjects connected with the Established Church. In the *agenda* paper there was, however, no mention of Ritualism, the question of all others most sharply agitating the people of England. I believe I am correct—and

if not the Most Rev. Primate will set me right—in saying that some of the Bishops of the Northern Province declined to attend the Conference proposed to be held at Lambeth because Ritualism was not on the list of the *agenda*. In addition, my Lords, I must say that I myself had been deeply moved, and the laity likewise had been moved, by certain declarations made by the Bishop of the diocese in which I have the honour to reside. In these declarations strange powers were claimed, powers as great and absolute as were ever claimed and exercised by any of the priests of the Eastern and Western Churches. Convinced that matters were approaching a fearful issue, I consulted with many of my lay friends, and we agreed that an effort should be made to test the feeling of the laity on this subject. A large county meeting was accordingly held; and nothing could give a stronger proof of the extent to which the people of England were animated and resolved. I did not know until I had received accounts from many parts of Dorset that the farmers could be so painfully excited as they were by these ritualistic observances. I should not like to repeat the language used on this subject; it was, indeed, of the strongest description, and no one could hear it without feeling that if these practices are continued the farmers of England, instead of being, as they always have been, the friends, will become the bitterest opponents of the Established Church.

Now, in regard to this Bill, I heard on high authority that there was nothing to be objected to it, except on the ground that it had not proceeded from the decisions of Convocation. My Lords, I am bound to express the deep respect I feel for the individual members of Convocation of both Houses. But collectively I do not feel the same respect for their opinions and judgments; and for this reason, that Convocation represents only the clergy, and those only most imperfectly, while of the laity there is not a shadow of representation. I believe that no Convocation is of any value that does not contain the laity as well as the clergy. In the American Episcopal Church of the United States the laity form the majority of their assemblies; and when I was in Paris a few days ago I had the benefit of a conversation with a Bishop of that Church, and learned from him that the laity formed a large part of the governing body. With-

out them, he added, Convocation would not get on at all; but with their aid the Church in America had been greatly extended, and would continue, he believed, being extended far beyond its present limits. Another objection I urge to the supremacy of Convocation is that the Convocation of Canterbury does not include the Province of York. Yet that Province contains the very pith and marrow of the whole Empire. The Province of York contains the diocese of Chester, which includes the great town of Liverpool. It includes the diocese of Manchester and the whole of Lancashire, the Archbishopric of York and the diocese of Ripon, and the whole of the West Riding of York, the diocese of Durham with the whole of Durham and Northumberland, and the diocese of Carlisle including the whole of Cumberland and Westmoreland. If the Bill had proceeded from the Convocation of Canterbury, which generally assumes to be exclusively Convocation, it would have proceeded from the weaker of the two bodies, and from a body which, as I have said already, does not represent the laity at all, and most imperfectly represents the whole body of the clergy.

My Lords, I hold that this is essentially a question for the laity. I will never cease to proclaim that it is not for the Bishop and the minister to settle between themselves the order of the service, or what vestments are to be worn, but that it is for the great mass of the congregation to determine whether they will go on in those usages which their fathers have practised for 300 years. It is not for the mere majority of the congregation to determine what changes shall be made, but for the congregation at large; and even then it must be done consistently with the law of the land. What are the minority to do? Affected conscientiously, they cannot continue to worship in a church where these Ritualistic practices prevail. And whither can they go? Must they seek in their necessity another place of worship? Doubtless they must, and such has been the smart and ready counsel of a Bishop, who preferred to give such advice to the judicious exercise of influence and authority in the suppression of harassing innovations. I know, my Lords, that a great difference has grown up between the ultra-Ritualists and those denominated the High Church—a greater difference, perhaps, than there is between the High Church and the Low. I am not about to speak with disrespect

of those who belong to these two bodies. The High Church, I acknowledge, contains many wise, good, and learned men. I have ever expressed my admiration for the virtues, talents, and learning of the head of that party, Dr. Pusey. The Ritualistic party also, no doubt, contains men of sincerity and learning, who think by what they are doing they are conferring a blessing upon the Church and the country. I admit it all. But we must consider the effect of the system they are introducing. It is alienating many of the devout and faithful members of our communion. In some it is producing a state of complete indifference, and an opinion that there is little or no distinction between the Church of Rome and the Church of England. Others are averted altogether from the Church, and are going over to the Nonconformists. Congregations are broken up in all parts of the country, and numbers are on the point of being added to the ranks of Dissent. There are noble Peers here present who could tell you of three or four churches in their neighbourhood being completely emptied of their former people. See the effect it is producing among many of your best friends—those who have been faithful to the Church in circumstances of difficulty and danger. I will allude to that powerful body the Wesleyan Methodists. I have many friends among them, and I know that they have been accustomed to cherish a warm attachment to the Church of England. I can tell your Lordships, however, that a great change is coming over their hearts and minds. With regret, but conscientiously, they hesitate not to declare that if these observances continue and are allowed to extend in the degree in which they are extending, there must be a complete change of policy leading, as a matter of deep conviction, to help in destroying the Church of England as a rag of Popery. There is at all times a large body of Dissenters who desire, as a question of principle, the abolition of the Establishment, and in a time of difficulty and distress it may go very hard with our ancient system if to this active Society there be added allies drawn from our former friends and supporters. My Lords, it is quite certain that if the present state of things continues, if no vigorous attempt be made to repress these practices and show that the Church of England is yet prominent in all her purity and her truth, another Reformation will begin in this country. But that Reformation will not

be like the last ; it will not descend from the heads and come down to the people, thus bringing with it Episcopacy and all its orders ; but it will ascend from the people to the heads, and may land us perhaps on the platform of Geneva. There is testimony to this among persons of great experience and well acquainted with the present aspect of ecclesiastical affairs. Canon Blakesley, speaking in Convocation, declared his opinion—

“That if we look the country through, you will find that it has been more Puritanized by those practices than Romanized.”

I believe that to be true ; and that if you beget in the people the spirit of the old Puritans you will also see in them the action of the Puritans ; and that the Establishment, if once uprooted by their assaults, will never regain its first position. Hear also an eminent Nonconformist, Dr. Vaughan, the author of one of the ablest treatises upon Ritualism which has yet been published—

“The success of the Ritualists (says Dr. Vaughan) hitherto has been in corrupting the members of the Church of England, not in making converts from beyond her pale.”

And so it is, my Lords. They have brought none to the embrace of the Church of England, though they have driven many over its border, and have tarnished the simplicity of the faith of many who remain within it.

Let me close this statement with an extract from the Charge of the Bishop of St. David's, one of the most acute, profound, and exhaustive documents which I have ever read—one remarkable alike for its learning, wit, power, and sound defence of the purity of the Church of England. The right rev. Prelate, taking exactly the same view which I have ventured to take, says, among other things—

“I believe that in most neighbourhoods the number of those who are attracted by the revived Ritual bears a small proportion to that of those who dislike and disapprove it, even if they are not shocked and disgusted by it. And I strongly suspect that those who take pleasure in it do so mainly, not on account of its superior sensuous attractions, but because it represents a peculiar system of opinions.”

But listen to these weighty remarks—

“The Committee of Convocation, in a passage of their Report, remind us that the National Church of England has a holy work to perform towards the Nonconformists of this country. If the innovations which offend many, I believe I may still say most, Churchmen, are peculiarly obnoxious to the Nonconformists of this country, it is not simply as innovations, but because they

present the appearance of the closest possible approximation to the Church of Rome. And the danger on this side is far greater than that which is suggested by the language of the Report. It is not merely that we may make fewer converts from the ranks of Dissent, but that we may strengthen them by large secessions, perhaps of whole congregations, from our own.”

“Perhaps ! ” why, my Lords, the evil is already in full action. He proceeds—

“And the danger—if I ought not rather to say the certain and present evil—does not end there. These proceedings both tend to widen the breach between us and Dissenters, and to stimulate them to more active opposition, and furnish their leaders with an instrument which they will not fail to use for the purpose of exciting general ill-will toward the Church, and weakening her position in the country.”

My Lords, it cannot be denied, nor do I wish to disguise the fact, that, in dealing with these things, we are dealing in a large measure with the symptoms and not with the root of the disease. We may take away the altar, and yet leave the spirit that erected it. We may take away Ritualism and yet leave Sacerdotalism. No doubt this is true. This is the weakness of all repressive laws ; but still we must subdue these external abuses, and, while seeking other means to purify the source of the mischief, endeavour to turn to the best account the powers committed to our hands.

And now, my Lords, in concluding, having thanked you most heartily for the courtesy and patience with which you have listened to me, allow me briefly to say a few words in reference to myself on this occasion. I have at various times been called by various appellations. Perhaps your Lordships will hardly believe that I have sometimes been termed a High Church bigot, while at others I have been described as an irreverent Dissenter. I think neither of these appellations can be fairly assigned to me. It has ever been my heartfelt and earnest desire to see the Church of England the Church of the nation, and especially of the very poorest classes of society, that she might dive into the recesses of human misery and bring out the wretched and ignorant sufferers to bask in the light, and life, and liberty of the Gospel. I have ever desired that in a country, such as our own, where, under freedom of thought and freedom of action, Dissent must ever be found, the Church of England should extend the right hand of fellowship to those who, though they differ from her in matters of discipline, agree with her in the grand and fundamental doctrines of the

faith, and so advance the great interests of our common Christianity. I have ever desired that the Church of England should in her wisdom, her piety, her strength, and her moderation, be a model to all the nations of the earth. It has ever been my most ardent desire that in all the great dependencies of this vast Empire the Church of England should be powerful and beneficent—that in the East and in the West, in the North and in the South, and in all the regions of the earth, wherever the English name is heard, or English rule is obeyed—in profound gratitude to Almighty God, and in affectionate reverence of their common mother, her children should rise up and call her blessed. This, I know, is the earnest prayer of every one of your Lordships, and may God give it a prosperous issue!

Moved, “That the Bill be now read 2^a.”
—(*The Earl of Shaftesbury*.)

THE ARCHBISHOP OF CANTERBURY said, that having been directly appealed to by the noble Earl (the Earl of Shaftesbury), he would in a few words answer the questions which had been addressed to him. It was perfectly true that at the meeting of Bishops at Lambeth in February last the subject of Ritualism was not placed on the paper of *agenda*; but the simple and sole reason for this omission was, that the matter had a short time before been thoroughly discussed, and the views of the Prelates with respect to it had been thoroughly ascertained. As to whether one of the Bishops of the Northern Province had declined to attend the meeting on account of that omission, he did not think that that was the sole reason for his absence. With regard to this subject it must be remembered that Bishops did not possess the almost despotic authority which some persons seemed to imagine. They had not, however, been altogether inactive. In the beginning of last year he publicly stated his own views in the matter, and the next step which was taken, and which involved considerable expense, was to consult certain very distinguished lawyers, whose opinion was that many of the innovations complained of were contrary to law. Opinions, however, had been taken by the Church Union which took a contrary view. At that time, moreover, a suit had been instituted against a clergyman in the diocese of Exeter, and it was thought better to await the issue of those proceedings. He felt bound to state this in vin-

dication of the Episcopal Bench, and in proof that they were not so insensible to the gravity of the case as the noble Earl perhaps supposed. With the greater part of the noble Earl's powerful address—and indeed with all the earlier part of it—he fully agreed, and he sympathized very much in his indignation with reference to the quotations which had been read by him. He did not wonder that the noble Earl felt indignant that persons who called themselves members of the Church of England should ridicule and revile the Reformation, should declare it a great blunder, and should speak of her formularies and articles as pregnant with Protestantism and heresy. He was earnestly desirous of putting an end to the practices which prevailed; but he did not think the Bill of the noble Earl would effect that. He confessed he did not believe that this Bill would become law, and, if not, to try to pass it was so much time wasted. Proceedings by Commission would be much more legitimate, and every reflecting member of the Church of England would say that a measure of such importance should be first considered by a Commission, where the laity as well as the clergy would be represented; and, if so considered, it would come recommended by an authority which would be likely to get it passed. Another objection to the Bill was this, that it dealt only with one point, leaving incense, adoration, and other matters untouched. Now a great deal more was involved than this single point of vestments. The noble Earl had contended that any delay which might take place would give time to the parties of whom he complained to make great advances. He differed, however, from the noble Earl on that subject. He did not think that they would make great advances. The Royal Commission which had been promised by the noble Earl at the head of Her Majesty's Government (the Earl of Derby) would take into consideration several other points besides that touched by the Bill; and the same noble Earl had expressed his determination to advise that the Commission should be recommended to make their Report as speedily as possible. Now, he firmly believed that by such means they would arrive at a satisfactory conclusion on several important points without any great delay. He would therefore ask the noble Earl whether he would not consent to postpone his Bill for two months while the

Commission was sitting, and then he would see whether their Report would not include all the points involved? Now, he did think that a measure sanctioned by a large body of members of the Church of England would be much more likely to set the matter at rest than anything that could be done by the efforts of a single individual. It was natural for one in his position to wish to see the peace of the Church settled upon a solid basis, and he believed that the course which he had recommended would have that effect.

EARL NELSON said, there were some points which had not been touched by the noble Earl opposite, upon which he wished to make a few remarks. In the first place, he desired to offer his thanks to the noble Earl (the Earl of Shaftesbury) for the very moderate language in which he had stated his views; but, in the next place, he wished to point out that if the first part of his speech, showing the general consensus of the Church of England against the use of vestments was true, it really went to prove that there was no necessity whatever for the Bill. The fact was, the question was now pending in a Court of Law, and if the law was against the use of vestments, what was the necessity of the present Bill? Now, in their zeal against vestments, they should not forget that the Church of England embraced opinions of very various kinds. His own view was that while holding the entire truth it was wise to allow among them those who might hold different extremes of that one truth; and he should think that a great injury would be done to the Church of England if, by any action taken either by the party represented more or less by the noble Earl or the extreme Ritualists, any persons were carelessly driven out of the Church. Another point which ought not to be lost sight of was this. It was often said that the practices and doctrines complained of were Romanistic. But the use of vestments was not necessarily connected with the errors of the Church of Rome. They ought not to forget that though the Church of England denied transubstantiation as taught by the Church of Rome, and did not allow consecration as taught by the Lutherans, she did admit and teach a real presence in the Eucharist, although she had abstained from defining what was the exact meaning of the words of our blessed Lord in instituting the Sacrament. And with regard to vestments, they found that they had been used from a very early date. Vest-

The Archbishop of Canterbury

ments were laughed at by many as being really nothing more than the Roman garments worn by laymen in the time of the old Roman Empire. But it would be impossible to show that when the errors—as he believed them to be—of the Church of Rome were introduced, especially in reference to the Sacraments, any change whatever took place in the vestments or ceremonial. He would remind their Lordships that the vestments were retained at the Reformation, and that to this day many of them were worn in the Swedish Protestant Church. Another thing that was to be borne in mind was this—that the people who had gone into the greatest extremes in this matter had professed their willingness to be governed by the law, and they had actually given up some things which they were told were unlawful. The very fact that the noble Earl had brought in this Bill showed that he thought those people had the law on their side, else there would be no necessity for such a measure. If that were so, let them take care that, while removing an acknowledged evil, they did not make matters worse; because there was nothing which created a greater sympathy for people than dealing with them by *ex post facto* legislation, and driving them out of the Church when they were really acting according to law. Now, confining himself to the question of vestments altogether, he must say that, in his opinion, one great evil of the matter was the patent fact that so many clergymen had acted without authority; and another evil was that there was so great an indefiniteness in their mode of proceeding that no one could see whither it would lead. He did not think that people would mind so much if they knew exactly what the law was, and how far persons might go; but from the manner in which they had acted nobody could say what the end of it might be. It would, on the other hand, be a bad thing to have an obsolete law put into effect to force these practices on unwilling congregations. Therefore the great advantage of a Royal Commission would be that the distinct law of the Church in the matter might be defined, and a security provided that no innovation be made without the consent of the congregation. The question of vestments could not be separated from the general question of Ritualism in the Church. It was only an offshoot from the growth of *Æsthetical* taste among the people, like the desire for choral services and a more

decorative style of ecclesiastical edifices. The regular growth in the English mind of a love of these things had been further witnessed in our improved street and domestic architecture and decorations. Finding such a feeling in men's minds, the Church sought to meet it, and in many cases had done so effectually. He remembered when many persons used to go to the Roman Catholic Cathedral of St. George's for the purpose of hearing the services. The want which was thus expressed had been met by the introduction of choral services into the Church of England; and the consequence was that many people—especially of the middle classes—were induced to attend our churches who were not in the habit of going before. Æstheticism had extended even to the Dissenters themselves; their chapels were being built and ornamented like churches; in many of them floral decorations were used, and the "Te Deum" was chanted. At the time that the Church Congress was held at York, a conference of Dissenters was sitting at Wolverhampton or Birmingham, which discussed different improvements in modes of worship, and canvassed the propriety of using creeds, introducing chanting, and adopting many of the prayers of the Liturgy. If too rigid a line of uniformity were drawn for the purpose of putting down the extreme views which they all regretted to see adopted by some of the clergy of the Church, they would cripple the influence of the Church in trying, side by side with other bodies, to meet these yearnings of the people; while, on the other hand, if they proceeded as the noble Earl proposed to do by this Bill, those of the High Church party who did not now sympathize with the Ritualists might be induced, by the appearance of persecution on the part of the State, to support the views of that extreme party. The best way to deal with the question was by a Royal Commission, before which the views of both sides could be fairly and freely discussed. If that course were adopted, the Ritualists, who had always declared that they had no wish to break the law of the Church, would have no excuse for violating regulations which were defined as the law after the question had been fully argued. It would also be preferable that any measures regulating the practices in the Church should be approved of by Convocation, and, having been approved by the Convocations of York

and Canterbury, should be finally made law by being passed by Parliament. The 20th Article distinctly declared that the Church hath power to decree rites and ceremonies, and the Church is rightly defined by the Houses of Convocation and the Houses of Parliament. No regulation of Convocation could become law without it was approved by Parliament, and thus became the law of the State. The difference between a Royal Commission and direct Parliamentary legislation was very great, since in one case the measure would be the result of the judgment of the Church, and in the other it might be looked on as usurpation, and therefore an act of persecution by the State. But, whatever course was adopted, it was necessary to act, as far as possible, according to law, and care must be taken not to attempt to press one set of views upon the Church with the iron hand of Puritanism. He trusted that the matter might be settled upon a proper basis after being fairly referred to Convocation, and that while the requisite alterations in the law were made, care would be taken not to cripple the usefulness of the Church of England in the great work which she had to perform in dealing with indifference and infidelity. In conclusion, he must say that while he did not sympathize with the extreme views of the Ritualists, nor with those expressed in the book alluded to by the noble Earl, yet he could not deny that the St. George's Mission in the East of London, and other works of mercy by the extreme Ritualists, had been productive of immense good.

THE ARCHBISHOP OF CANTERBURY said, he had omitted to move at the conclusion of his speech that the second reading of the Bill should be postponed for two months. He now begged to rectify that omission.

Moved, "That the further debate on the said Motion be adjourned to this Day Two Months."—(*The Lord Archbishop of Canterbury.*)

THE EARL OF SHAFTESBURY said, he regretted he could not accede to the most rev. Prelate's request. Were he to consent to postpone the second reading of the Bill for two months he might on attempting then to proceed be told, that the period of the Session was too late to proceed successfully with the Bill. Up to that morning no less than 624 petitions had been presented in favour of the Bill,

and during the evening that number had been increased by upwards of 200, while not one had been presented against it. Under these circumstances, he felt bound to proceed with the Motion for the second reading.

THE BISHOP OF LONDON: My Lords, I should be very sorry were an erroneous impression to prevail in the country as to the feelings of those who sit on this Bench with regard to the noble Earl's Bill. I believe I speak the sentiments of this Bench generally when I say that we are obliged to the noble Earl for the clear and temperate manner in which he has laid this matter before the House to-night. We are all agreed with him in believing that a very great evil indeed exists, and that it is our duty to endeavour to remedy this evil. And, moreover, I believe we are all of opinion that the time has come when this evil must be treated either directly by legislation or in some more effectual manner than it has been dealt with up to the present time. Your Lordships will remember that we used in former days to hear a great deal about "the Church being in danger;"—by which expression was meant that there existed a desire on the part of certain persons to cripple the resources of the Church. The Church has survived that danger; and we were all congratulating ourselves that there never was a time when the Church of England was more active and more devoted to its great work than the present, when suddenly strange phenomena have arisen among us—perhaps not only in the direction to which the noble Earl has pointed, but in other directions also. These are things to make men sad and alarmed; and I am sure that it is the earnest desire of this right rev. Bench and of your Lordships to preserve the Church of England free from all the dangers by which it is threatened from within, and to enable her to carry on the great work, which, thank God, she has been for some years so assiduously promoting among us. We think that the time has now come for action; but I am not sanguine enough to suppose, after the extracts that have been read by the noble Earl to-night, that either by the carrying of his or of any other Bill, or by the most mature deliberations of any Commission, the evils the noble Earl deploras will suddenly disappear. There are various ways to treat the disease. All that we can do by legislation is to palliate the symptoms we see

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in existence. But we shall do but little unless we can strike at the root of the evil. I am strongly of opinion that we must extend our views to our Universities. By so doing we shall more effectually remedy the evils complained of than by passing Acts of Parliament. I desire to impress this fact upon those whose duty it is to distribute public patronage in our Universities. I should be the last man to wish that any ban should be placed upon one set of opinions or another; but I should wish that every great post which may become vacant in our Universities should be filled by a man whose talents and power to influence the feelings of the young would give him a real influence over those with whom he has to deal. If by adopting this course and filling such posts with really able and influential men who understand the wants of the times the feelings of the youth at the Universities are influenced on the right side, the evils complained of by the noble Earl will not only be palliated, but in this, as in other cases, men's minds have assumed a healthy tone, the sympathy with these practices will disappear, and such opinions as those contained in the extracts which have been read by the noble Earl will be treated with the contempt they deserve. As things stand, however, I am afraid that these opinions are at the present moment very popular among young men. I am afraid that in the University to which I belong there is some reason for the alarm that exists that these opinions are spreading; and my knowledge of young men leads me to suppose that an Act of Parliament will never control their opinions, and that they will not be influenced by the decision of a Royal Commission. I trust, therefore, that we shall not act upon the idea that we can at once eradicate these opinions by any steps we may take in Parliament. Yet I nevertheless agree with the noble Earl that the time has come when we must act in the matter. Such action may not effect a radical cure, but it may do some good. By passing an Act of Parliament, we can, at all events, remove the temptation which has existed for so many years which is offered by the uncertainty of the law on this subject. We—I do not mean the Bishops merely, but the whole country—are very much to blame for having looked quietly on this uncertainty of the law for so long a period. Men are tempted to lean to extreme opinions by the know-

ledge that there is no law to restrain them. Therefore, believing, as I do, that the time has now arrived for action, if the noble Earl perseveres with his Bill I shall be prepared to fulfil my promise and to support it. Still, I do not believe that mere Acts of Parliament, however carefully prepared, can cure the evil:—and one important defect in the present Bill is that it proposes to deal with one branch only of the subject. My impression is we must go thoroughly into the whole matter, and that can only be done by such a Commission as the noble Earl at the head of Her Majesty's Government has promised we shall have. That Commission must extend its investigations to a wide range of subjects. I do not wish that it should touch doctrine; but whatever bears on public worship must come within its sphere. One thing, it appears, would be a necessary result of the deliberations of such a Commission—the law must be made clear. I do not mean that liberty should be altogether constrained—that the whole Church of England must be reduced to absolute uniformity, so that there should not be the slightest difference between the mode of performing Divine worship in one church and the mode of performing it in another—but that liberty shall be legally secured, not licence seized by individuals in the hope that they may escape in immunity from the consequences of their licence. There are many things no law can touch in the outward performance of Divine service. There must be a great range of subjects left to discretion, and the Commission should advise a settlement by Act of Parliament as to settle where that discretion is to lie. At present every clergyman uses his discretion. The Bishop has no power of interference, or a merely nominal power; therefore, any legislation which is to be complete, having settled what the law is, must also strengthen the hands of the central authority whatever it is to be—whether we refer to the Bishop called on by appeal from the laity, or the Bishop subject to the Archbishop, the central authority must be strengthened. No doubt, it must take some time before these points can be carefully considered by the Commission; and the noble Earl (the Earl of Shaftesbury) may think it better to act even in the small matter now before us than to have any delay: still I hope and I believe that the result of the Commission must be the proposal of another Bill which

shall deal with the points I have pointed out. My Lords, I repeat we are greatly indebted to the noble Earl for rivetting our attention on the dangerous crisis which has arrived. It is a crisis not only for the Established Church, but for the Church generally—for the nation; and depend upon it if this nation once loses its Protestant character it will suffer very greatly in the position it occupies. I believe that the Church of England has before it at this moment as great a work as ever lay before any Church. It is a time, I think, for anxiety, but not a time for alarm, still less for despondency. Even in these very eccentricities there is some proof of zeal, and zeal is a good thing. No doubt, if we can carefully direct that zeal to proper objects, we have every reason to hope that the great work which lies before the Church of England will be accomplished. This Church more than any other has power to deal with the civilization of this age—to deal with the very dangers civilization causes—it is the Church's duty not to thwart the course of events; but while it follows, at the same time to lead and guide the men of the 19th century, and this I believe our Church can do beyond any other body, either of our Protestant or Roman Catholic brethren.

THE EARL OF DEVON quite agreed with the right rev. Prelate (the Bishop of London) that it would be very desirable if a clear definition of the law on this subject could be placed before the public—not a mere short Act of Parliament, but such an exposition as could be drawn up after a full inquiry by a Commission impartially composed, and representing all shades of opinion; and nothing short of a declaration of opinions and of the law so arrived at would be satisfactory. But he should earnestly deprecate any interference with religious liberty, or the introduction of anything which would interfere with perfect liberty of action within the limits of the law—a liberty, perhaps, degenerating sometimes into licence, but still in regard to usage and discipline analogous to many of the formularies of the Church which combine with advantage within the Church men who might on some points widely differ. He could not regard with much favour any attempt at rigid legislation, unless arrived at in a manner to secure the public confidence, and after a due expression of opinion on the part of the clergy. He was not himself an ultra-Ritualist, and although he would allow the exercise of

every proper liberty to the clergy in exercise of their duties, he thought that innovations on the customary services of the Church should only be introduced with the consent of the laity. For instance, he would not sanction the introduction of vestments, except by the well-ascertained desire of a majority of the regular communicants; but he deprecated this Bill as prejudging one of the subjects to be inquired into by the Commission. He could not conceal from himself that the usages complained of had been introduced by deeply pious, learned, and hard-working men, whose self-devoted labours were directed solely to the good of the community who thought they were justified under the existing law; and, unless the law absolutely required it, it was no light thing to check enthusiasm. It had been said by Lord Macaulay that the Church of England did not know how to deal with enthusiasts. Very serious consequences might arise from unduly fettering the expression of the devotional feelings of pious, warm-hearted men. He therefore said until the law was defined after due inquiry, let them not cripple those liberties which were now accorded to the clergy. It was a matter to be dealt with gently and wisely, not by one-sided interference. The Commission would lead to good if conducted by a body of Gentlemen chosen fairly. All opinions, he hoped, would be represented on it, and if from such a body, after due inquiry, a wisely conceived decision should emanate, he trusted and believed that on the part of the great majority of the clergy a ready acquiescence in the law would be given. Their motto as Christians and as legislators should be *In necessariis unitas, in non necessariis libertas, in omnibus caritas.*

THE EARL OF HARROWBY said, he participated in the feeling of jealousy which had been expressed against having this matter dealt with by Parliament alone; but he observed that Parliament was now only asked to give effect to the decision of the Church. The canons of the Church and Convocation had already spoken on the subject, and there was no reason for jealousy if Parliament stepped in and confirmed what the canons and Convocation had already declared. The canons of the Church were perfectly explicit, and a Commission could have no authority—what was wanted was a declaratory Act of Parliament. The matter to which the Bill referred was one which most struck the

public eye and most created indignation. Let them, at all events, remove this scandal from our parish churches. If clergymen chose to introduce the practice complained of in private chapels of their own, then those who chose might go and witness them; but clergymen had no right to flaunt in variously-coloured dresses in the face of parish congregations, and compel them in the parish churches to witness services which, if not illegal, were, at any rate, unknown to the law, as interpreted by the custom of 300 years. If this were a secular case, no difficulty would be opposed to the action of Parliament in the matter. When some one discovered that the wager of battle had never been legally abolished, an Act of Parliament was immediately introduced and an end put by law to that obsolete practice. Why, then, should not an Act of Parliament be passed to put an end to the use of objectionable and obsolete vestments during the ministration of the services of the Church?

THE BISHOP OF OXFORD said, that though he could not, like the right rev. Prelate who presided over the metropolitan diocese, support the Bill now proposed for second reading, it was not because he differed from him, or from any other of his right rev. Brethren, in his estimation of the gravity of the occasion which had called for the proposed remedy. On the contrary, it was because he was most seriously convinced of the most serious gravity of the occasion that he deprecated most earnestly proceeding in Parliament in the manner proposed. The movement at present going on was of a gravity which it was impossible to overrate at the present moment. He knew from his connection with the University of Oxford how great was the danger arising from the tendency of the young mind of England to turn towards the views and usages of that Church which our forefathers had left—the Western branch of the Church—with a new and strange affection. His own attention was being continually called to individual cases in which this strange tendency was to be met with, and a great part of his time was devoted in trying to solve the difficulty of diverting the affections of those who exhibited this tendency from the object to which they were inclined. This feeling was widely spread in the more religious part of the young mind of England; but he did not believe that it was confined to the Church of England alone. He believed that the influence

which was passing over the religious mind of England manifested itself greatly among those who dissented from as well as among those who belonged to the Church of England, and was turning the minds of men towards new forms of service, and towards more stimulating and material forms of worship. Therefore it was, he said, that the present was a grave and serious occasion for those who believed with him that a greater misfortune could not befall this happy land than any faltering in adhesion to those true doctrines of the Reformation which our forefathers proclaimed, and that no greater evil could befall the Reformed Faith in Europe than that this mighty pillar of Apostolic truth should be shaken in any manner. But the more he felt apprehensions at the greatness of the evil, the more he dreaded danger from an attempt to meet the disease by insufficient remedies. It seemed to him that if in the case of a grave disease they called in a physician who proposed to try some trifling remedy which it was shown could at the most excite the patient, and perhaps produce irritation with symptoms that might produce serious results, that it would be giving ill advice if they advised that such a man should be allowed to attempt a cure. Now, this appeared to him to be the very character of the Bill before their Lordships. No doubt the present Bill had been introduced with the sincere desire to help the Church of England; but before giving way to a desire, however strong, the reason should be satisfied that the course proposed to be adopted was one that ought to be pursued. If this Bill would have the tendency that he had described upon the minds of men—if it were, as he believed, excited and nourished by the general uncertainty of the law in reference to a multitude of observances, which were really the smallest portion of the error to be dealt with—then he hoped that their Lordships would not sanction the measure. He said that this particular evil was one of the least, because it was one which had spread least in the land; for he did not believe in the correctness of the number of churches where these practices had existed which had been stated that night. It was not spreading at the present moment; but people were awaiting and abiding a declaration of the whole Church of England on the question at issue. Supposing legislation was to come, it was of the utmost moment that it should come in the gravest, most deliberate, and most constitutional

manner; and he thought that nothing was more unwise in these matters, which touched things so delicate as the morbid feelings of the minds of men, as to apply a remedy which would be sure to be resisted on account of the mode in which it was administered. He approved the proposition to issue a Royal Commission. What had been the result of the last Commission? All opinions in the Church were fully and fairly represented in it; the Commissioners went through the whole of the questions submitted to them calmly and deliberately. It was long before they could come to an united conclusion; but they did come to such a conclusion, and what was the effect of it? Why, that the Church at large accepted it without any irritation or resistance. If, however, an attempt had been made in the first instance to deal with it by a Bill in Parliament, the whole Church would have been convulsed, and the attempt would probably have led to a great secession. One answer to the objection to proceeding by legislation was, that the mode of proceeding by Bill was the most expeditious; but that he must beg leave to deny—and for this reason:—Let him suppose that their Lordships were that evening to agree to the second reading of the measure before them, it must, after it had gone through the remaining stages, be sent down to the other House. And was it desirable, he would ask, that it should there give rise to discussions such as were likely to be provoked by the statements contained in the speech of the noble Earl (the Earl of Shaftesbury), which, however essential they might be to the establishment of his case, were yet scarcely calculated to help out the reign of truth, and peace, and love, and spiritual power, in this country? He trusted therefore that his noble Friend would not press his Motion to a division, for the result might lead the public out of doors to imagine that their Lordships had come to a conclusion either in favour of or against those novelties of which he complained, whereas the real point at issue was the selection of the safest and most hopeful way of making their common resistance to innovations which they all condemned. He should regret to see the Question put on that account; and he saw, he must confess, the elements not only of delay, but of considerable danger in the mode of proceeding which the noble Earl proposed for adoption. It would, he was afraid, stir up the minds of those against whom it was

directed, irritate them, and set them in the posture of opposition, when what was most to be desired was that they should be induced to assume the reasonable posture of listening to what was to be said on the subject. The real question for their Lordships to consider, then, was how they could lead the mind of England as one man without crippling their religious liberty, and keep out the entrance of great religious evils into the Church? To that question the history of all mankind supplied an answer. All history showed that it was not by hasty or sudden legislation upon particular and minor points of a great controversy that the question could be settled. What was the great controversy—was it whether men in a purple dress should preach the Reformation, or whether men in white surplices should preach the doctrines of the Church of Rome? Was it wanted to get a party triumph; and would so doing give aid to preserve the Reformation? Entertaining that view he most earnestly begged of the noble Earl to listen to the suggestion of his most rev. Friend (the Archbishop of Canterbury), and not press the House to divide on that occasion. He fearlessly appealed to the moderation and the calmness of both sides of the House to allow a Commission to prepare the way for legislation. It was the deep conviction of his mind that it was in that way the spread of the evils which they sought to redress would be most effectually prevented. He called upon them to remember that the English people never had borne, and he trusted never would bear, the semblance of persecution; and also to remember that the Church of England was not a church of compromise, but of comprehension, embracing within her fold men of every view, between those who absolutely denied her primary principles and those who held the doctrines of the Roman Catholic Church, which she had expressly condemned. In that comprehensiveness it was that her strength lay. Let not their Lordships, then, without being aware of what they were doing, by legislation, give a triumph to one party in the Church over another. It was no secret, and nothing could be gained by denying the fact, that there were in the Church of England men who went near to Rome and near to Geneva; but the safety of that Church, which was the greatest bulwark of truth, would, in his opinion, best be consulted by keeping both and expelling neither. That end, he would add, could

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only be accomplished by great forbearance, and by using every method of repressing the evils whose existence he deplored before having recourse to harsh legislation. He, for one, had no sympathy with the objection to the Bill referred to by the noble Earl, grounded on the fact that it was proposed by a layman. He had no wish to see legislation on the subject confined to the Episcopal Bench. He could not, however, shut his eyes to the circumstance that the noble Earl, in the universal estimation of the country, was connected with one party among the parties of which the Church of England was made up. For that he, for one, did not attribute to the noble Earl the slightest blame. Every earnest man must, he thought, at the present moment connect himself with one or the other of the different sets of opinions which prevailed in the Church. It was the indifferent who stood apart, and he liked the noble Earl all the better because he was heartily in earnest in maintaining his own particular view. But then his identification with one party would inevitably tend to create in the minds of those who differed from him the suspicion that by his measure he sought to bring legislative power to the aid of the former to their disadvantage. This was far from being a Bishop's view only; for the Report of a Committee of laymen who were members of a conference on the question of Ritualistic practices, who as a body belonged to the Low Church party who had considered the whole subject in conference after conference, and many of whom he esteemed highly, showed that they had come to the conclusion that hasty and sudden legislation would do infinite mischief to the cause they had at heart, would not tend to prevent excessive Ritualism, and would create a dangerous reaction. Their advice was—

“That an invitation be sent to the leading members, lay and clerical, of the Church of England, without distinction of parties, requesting them to join a deputation to the Prime Minister for the purpose of urging on the Government the necessity of such legislation as we have described, and inasmuch as the appointment of a Royal Commission is likely to afford a satisfactory solution of the question at issue, with less irritation to the feelings of those who are opposed to any change, we recommend that the Premier be requested to advise Her Majesty to issue a Royal Commission which shall enter into the propriety of amending the rubric complained of and rendering the enforcement of Church discipline in such matters prompt and inexpensive.”

The Report which is signed by Mr. J. B. Smith, chairman of the conference, and

Mr. R. Culling Hanbury, the hon. Secretary, who had been snatched away in the midst of a career abounding in good, went on to say—

“We consider it undesirable that the conference should issue a prosecution, and undesirable to proceed by immediate legislation.”

In the spirit of that advice his vote should be given that evening. If the Bill were at once pressed to a division, he could not help regarding legislation as being hurried on too hastily by impetuous minds who, overlooking the difficulties which lay in their path, would thus really hinder themselves and others from arriving at the conclusion they desired; and, still more, perhaps occasion divisions in the Church of England, the keeping of which one and undivided was the dearest wish, he believed, of every Member of their Lordships' House: and with this wish he connected the dearest interests of this country.

THE BISHOP OF DURHAM said, his right rev. Brother who had just spoken seemed altogether to ignore those who were suffering from that development of Ritualism. Their case was a most urgent one; and what made the matter most serious was that they continually read in the newspapers of congregations being in some instances disturbed and in others scattered by the adoption of these practices. The reason assigned for that state of things was that the clergyman of the parish felt himself bound in conscience to follow his own interpretation of the Rubric given at the beginning of the Prayer Book. But not only were these Ritualistic practices scattering and disturbing congregations in different parts of the country, they were also weakening Church movements in every direction. People believed that the Church was drifting into Romanism. A layman in the metropolis who had given much time and labour to objects connected with the Church of England had told him that, for the first time in all his experience, when he invited contributions from merchants and others in the City, he found an unwillingness manifested to respond to his appeal owing to a doubt whether the money subscribed might not be used for Romish purposes in a short time. Ultra-ritualism was alienating many sincere members of the Church, and driving them over to Dissent. He had lately read of a conference of Dissenting ministers held in London to consider whether they should not introduce into their chapels the form of prayer used by the Church of England;

and one of the most eminent of them urged the adoption of the course because there were so many young men in his congregation who had left the Church from disgust at its ultra-Ritualism. The evil, then, was a most pressing one; and day by day the Church was suffering from it. How could it best be met? Surely the remedy which was most likely to be prompt was the best. Would a Commission afford an expeditious remedy? If the Commission reported in almost the same language as the terms of that Bill, what would be the use of waiting for it? On the other hand, if it reported differently, its recommendations could not be adopted at once, but must be previously referred to the consideration of the Clergy and of Convocation, and must also, he supposed, obtain by some means the assent of the Church in Ireland. All that would necessarily take a long time—two years at least, he should think. And in the meanwhile they would probably be playing into the hands of the very persons whose novelties they were seeking to check. What was the language of all their organs? Why, give us two years, and in that time we shall have so indoctrinated the upper classes of society—they put aside the middle and lower classes—that Parliament will not dare to adopt any measure which would check our onward progress in Ritualism. Look, then, at the Bill of the noble Earl. It was true it was a very simple one. His right rev. Brother (the Bishop of Oxford) said it touched a very small point; but he (the Bishop of Durham) believed it touched the very essence of the matter. The introduction of these vestments was and ever had been the first step in the downward course which these unwise clergymen were pursuing. In itself it might be a little matter whether a clergyman wore a purple or a white vestment; but if the garment was symbolical, and intended to represent that the clergy were a sacerdotal order, fulfilling a priestly and sacrificial office, it was inconsistent with the doctrines of our Reformed Church, and was a close approximation to the Church of Rome. It was not therefore a trifling matter, and he thought the measure before them was a most essential one to meet the real evil which existed. And when his right rev. Brother spoke of its introduction as the movement of a party for contracting the breadth and limiting the liberty of the Church, he maintained that it was not so, but that it simply adopted and made law

what had been the practice of the Church of England from time immemorial. There must be laws to guide them in the government of the nation, and those laws contracted the liberty of this individual or that individual, in order to establish the liberty of the whole people. He had no doubt that if a Bill were introduced to forbid the meeting of political bodies in the Parks, their Lordships would not maintain that that was a contraction of the rights of the people of the metropolis, but the establishment and confirmation of the right of the entire community to enjoy the Parks for recreation and amusement. So, in their Church, they needed fixed rules and fixed dogmas. Contract those rules and dogmas too much, and he allowed that they would turn their Church into a sect; but, on the other hand, let them make her limits so wide and her rules so lax that they would include everybody, and the whole of her vitality and essence would expire. Believing that Bill to be a measure calculated to meet an urgent and daily increasing evil; believing it to be a measure to preserve the liberties of the whole of England, and the party of order, the party of uniformity, the party which loved the Church of England, against the small party which was seeking to Romanize her, he should cordially vote for its second reading. And while he sincerely hoped that the Commission would deal with other matters, he strongly deprecated its dealing with so simple a matter as this.

THE BISHOP OF CARLISLE said, in justification of what had fallen from the noble Earl (the Earl of Shaftesbury), that the question of Ritualism had been the subject of discussion at the Episcopal gatherings both in 1865 and 1866. He was not at liberty to say more than that, owing to various causes, no decision had in either case resulted. When, in the spring of 1867, the most rev. Prelate, with his usual courtesy, invited his brethren to meet under his roof, he noticed, with regret, that the subject in question was not on the *agenda*. He stated to his Grace his reluctance to be present under such circumstances. This elicited a kind note of remonstrance. On this, out of deference to his Grace, he attended the first meeting of the Prelates. But when he found that the decision which he lamented was still in force, he left the assembly, when, after but a few minutes' sitting, the Bishops dispersed to attend upon Her Majesty at the opening of Parliament and

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did not return. He earnestly hoped their Lordships would give a second reading to the Bill before them, for delay would be fatal to the interests and welfare of the Church. It was too certain that there existed in this country an organized conspiracy which, with a consistency of purpose, a perseverance of action, and a fertility of resource worthy of a far better cause, was carried on in order to restore the system of Popery in this country, and effect what had been called "the subjugation of an Imperial race."

THE ARCHBISHOP OF CANTERBURY was understood to give an explanation of the circumstances alluded to by the Bishop of Durham; but his Grace's remarks were inaudible.

THE EARL OF DERBY: My Lords, I think I should hardly perform my duty in remaining altogether silent on this important question. It is with great regret that I find myself called upon to divide on this subject. I deeply regret that my noble Friend who introduced this question (the Earl of Shaftesbury) has been unable to accede to the very reasonable proposition of the most rev. Prelate to postpone for a short period the second reading of this Bill, until the Commission shall have had time to consider and deliberate. Let it be understood, however, at all events, what is the real subject on which we are going to divide. We are not about to divide on the vindication or condemnation of these Ritualistic practices. If that were the question there would be found very slight differences among your Lordships; because I believe there is hardly a man among us who does not deeply regret the injury done to the Church of England which results from these innovations, and the discordant controversies which they occasion throughout the country, and from the erroneous doctrines and practices of which they have become symbolical, and which have propagated disunion. I hope, therefore, it will be understood that the question we are now discussing is not whether or not these Ritualistic practices ought to be opposed or put down, but what is the best mode of attaining that object, and carrying out the convictions of the country without at the same time embittering the feelings of those whose conduct in this matter is condemned. I cannot but think that such a discussion will be infinitely better conducted by a Commission composed of the clergy and laity, deliberating quietly and giving their opinions

calmly, rather than by this and especially the other House of Parliament, where, if it should go down to them, it is impossible the question should be dealt with in that spirit of calmness necessary for its due consideration; whereas, if it were considered by a Commission, there would be an immunity from that party feeling and polemic discussion which would interfere to prevent the calm and deliberate opinions of the House from being expressed. My noble Friend (the Earl of Harrowby) said that this was a very plain and simple question, because it was merely giving the sanction of Parliament to the clear and undoubted law of the Church. But my noble Friend is begging the question. This is far from being the case. If the question is so clear and plain, why does the 3rd clause provide that all canons contrary to this Act shall have no force whatever? The Bill proposes to deal with only the narrow fringe of a very important question. Whether you agree to it or not it will settle nothing. It may decide as to the use of the white surplice, but it does not touch the question of incense or the elevation of the sacrificial elements. But these are all substantial parts of the practices which it is desired to put down. These questions might be dealt with fairly and honestly by a Commission where they may be fairly heard and decided by impartial arbiters, and their decision would be attended with infinitely more satisfaction than a decision come to in a Parliamentary atmosphere. For these reasons I deeply regret that my noble Friend (the Earl of Shaftesbury) should find it necessary to proceed to a second reading of this Bill; because, being fully convinced in my own mind that the safest and most expeditious course of dealing with the question will be by a Commission, preparatory to legislation, I shall, if compelled, vote for the Motion of the most rev. Prelate postponing the further consideration of the Bill for two months. Meanwhile, I pledge myself that the Royal Commission shall be issued with as little delay as possible. If we do come to a division, I trust it will be understood that those who vote on one side or the other will not be taken as sanctioning the practices complained of; but that it will be seen that this is simply a difference of opinion as to the mode of proceeding for the purpose of effecting an object which is alike desired by both sides of the House. I must vote for the Amendment of the

most rev. Prelate, and I shall very much regret if in doing so I am supposed to approve the practices complained of.

THE MARQUESS OF WESTMEATH said, the Lord Bishop of Oxford—

THE BISHOP OF OXFORD: I rise to order. The noble Marquess has no right, in the presence of any Peer, to call him by name in debate.

THE MARQUESS OF WESTMEATH must apologize for his inadvertence; but as several right rev. Prelates had spoken, he did not know how in any other way to make his meaning clear. He was about to say that the Royal Commission on Subscriptions to the Articles which had been so much extolled by the right rev. Prelate had abrogated an oath which the Sovereign, as head of the Irish Church, and the clergy of that Church were obliged to take against transubstantiation. This led him to feel some distrust as to the possible proceedings of a Commission, should one be appointed.

On Question? their Lordships *divided*:—Contents 61; Not-Contents 46: Majority 15.

Resolved in the Affirmative.

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Marlborough, D.	Oxford, Bp.
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CONTAGIOUS DISEASES (ANIMALS) BILL [H.L.]

A Bill to continue and amend the Acts relating to contagious or infectious Diseases among Cattle and other Animals—Was *presented* by The LORD PRESIDENT; read 1^a. (No. 98.)

House adjourned at half past Eight o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 14, 1867.

MINUTES.]—NEW WRIT ISSUED—*For* Oxford University, *v.* Right Hon. Gathorne Hardy, Secretary of State.

SELECT COMMITTEE—On Malt Tax *appointed*; Military Reserve Funds *appointed*; Army (System of Retirement) *nominated*; Houses of Parliament *nominated*; National Gallery Enlargement *nominated*; Factory Acts Extension and Hours of Labour Regulation, Mr. John Benjamin Smith *added*.

PUBLIC BILLS—*Resolution in Committee*—Blackwater Bridge.

Ordered—Commons Inclosure Act Amendment*; Agricultural Children's Education; Landed Property Improvement and Leasing (Ireland); Records (Ireland); Blackwater Bridge.*

First Reading—Landed Property Improvement and Leasing (Ireland) [150]; Commons Inclosure Act Amendment* [151].

Second Reading—West India Bishops and Clergy* [126].

Committee—Bunhill Fields Burial Ground* [107]; Labouring Classes Dwellings Acts (1866) Amendment* [118].

Report—Bunhill Fields Burial Ground* [107]; Labouring Classes Dwellings Acts (1866) Amendment* [118].

Considered as amended—British Spirits* [135]. *Third Reading*—Offices and Oaths* [7]; Transubstantiation, &c., Declaration Abolition [6]; Vice President of the Board of Trade* [22], and *passed*.

THE PRISONERS IN ABYSSINIA.

QUESTION.

MR. WYLD said, he would beg to ask the Secretary of State for Foreign Affairs, Whether it is true that the King of Abyssinia has refused to comply with the Queen's request that he should liberate the captives; whether, in consequence, the English engineers who were engaged to enter the King's service have returned, or are about to return to England; and, whether any and what further steps are being taken by the Government to obtain the release of Mr. Rassam, Consul Cameron, and the other captives?

LORD STANLEY: In answer, Sir, to the first part of the hon. Member's Question, I cannot say that the King has refused to liberate the prisoners, because we have at present no answer from him on the subject; but we know or believe that the Queen's letters must have reached him some time ago, and that the prisoners are still detained. With regard to the second part of the Question, as to whether the English engineers have returned or are about to do so, I may say that Colonel Merewether, in a letter dated the 4th of March, suggested that in view of the delay which has occurred it would be better that the engineers should return, and we have acquiesced in their doing so, as, under the circumstances, and from what we have heard, it did not appear safe for them to proceed into the interior. I should also mention that the chief of these engineers, soon after his arrival at Aden, was attacked with a very serious illness, so that it was necessary for him to return under any circumstances. I have written to the King, on the 16th of April, expressing regret at the long detention of the prisoners, and saying that unless they were liberated immediately the presents which had been prepared and sent out would not be delivered. Up to the present time no further information has been received beyond what I have stated.

GLOSSOP CONVENT.—QUESTION.

MR. WHALLEY said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has

been given to a statement in *The Times* newspaper of the 11th of May, that six young ladies had escaped from a Convent at Glossop, and having walked to Sheffield, a distance of twenty-five miles, were there taken charge of by the police, and by them handed over to another Convent called Notre Dame at the request of the Superior of the Convent from which they had escaped; whether it is his opinion that the police at Sheffield were justified in so acting; whether any inquiry will be instituted as to the circumstances connected with this escape; and, generally, whether any, and what, means are available for affording protection to any such persons against detention in Convents against their will?

MR. WALPOLE, in reply, said, he had that morning directed inquiries to be made into all the circumstances of the case, and thought it would be improper for him to make any observations on the matter until he was in possession of the result of the inquiries instituted.

REPRESENTATION OF THE PEOPLE BILL.—QUESTION.

MR. W. E. FORSTER said, he would beg to ask Mr. Chancellor of the Exchequer, When he intends proceeding with the Representation of the People Bill?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I intend to proceed in Committee on the Representation of the People Bill on Thursday if the House can go into Committee at a reasonable hour; but there is business upon the Paper of a very pressing character which cannot be delayed, and which may occupy much time. If I am unable to proceed with the Bill on Thursday, I will do so on the first day I can—certainly next Monday, if not on the previous Friday.

MR. W. E. FORSTER said, he would beg to ask what would be deemed a reasonable hour.

THE CHANCELLOR OF THE EXCHEQUER: I shall leave it to the general feeling of the House; I wish to suit the convenience of hon. Members.

REPRESENTATION OF THE PEOPLE (IRELAND).—QUESTION.

MR. STACPOOLE said, he rose to ask the Chief Secretary for Ireland, When he proposes to introduce the Bill for the amendment of the Representation of the People in Ireland?

LORD NAAS said, in reply, that he proposed to introduce the Bill for amending the Representation of the People in Ireland as soon as the state of public business would admit; probably in about a fortnight.

MALT TAX.

MOTION FOR A SELECT COMMITTEE.

COLONEL BARTELOT rose to move for a Select Committee to inquire into the operation of the Malt Tax. He thought that this would be found to be the best and most convenient course which could be taken in the interests of those who advocated the repeal of the tax. Whenever the question of repealing the tax had come before the House as an abstract question, large majorities had refused to accede to the request of the farmers; and, this being the case, those especially interested in procuring the repeal thought it would be the wisest and most prudent course to place before the House such information as was likely to lead to the solution of this difficult question. They accordingly held a meeting in the tea-room to consider the best mode of proceeding in reference to the question. His hon. Friend the Member for East Norfolk (Mr. Read), who, in the early part of the Session, had placed a Notice on the Paper, was present; and when he found that it was the unanimous opinion of the Committee that a Motion for the appointment of a Select Committee was the right course to pursue, he consented to withdraw his Notice, saying, that his only desire was to see the tax repealed, and any measures calculated to advance that object would meet with his hearty support. His hon. Friend, being unwilling to divide the party with which he generally acted, took the honourable course of withdrawing his Notice. The Central Association for the Repeal of the Malt Tax had attacked his hon. Friend in a way offensive and uncalled for. He (Colonel Bartelot) would remark that if that Association thought it could force hon. Members to do that which they did not approve of, it would find itself greatly mistaken. It would also learn that in order to carry a great question like this to a successful conclusion, the best course to pursue was to show a willingness to act in harmony with the general body, and to assist the efforts of their friends in that House who, under difficult circumstances, were doing what they thought best to promote the object they had all in view. In the year

1846 a Committee of the House of Lords inquired into the question of the Burdens upon Land; and in the opening of their Report they say—

“The tenant-farmers lay great stress on the malt duty, and its injurious interference with the cultivation of barley. The Committee cannot, however, consider that impost, which, on the average of the last ten years, has produced very nearly £5,000,000 annually, as borne exclusively by the land; beer being almost a necessity of life with the mass of the population, the duty falls as a general tax on the consumers of the article; but it is unquestionable that so heavy a duty diminishes the demand and deprives of a ready market all except the best qualities of barley. A duty of 21s. 8d. on a quarter of barley costing 34s. is so heavy a tax that Mr. Barclay is of opinion that no brewer can afford to buy inferior barley and make it into malt. The agricultural witnesses examined before the Committee complain loudly of the restriction the Excise laws impose on malting inferior barleys for fattening purposes. The advantages of this process having been matter of dispute between learned chymists and practical farmers, the Committee will content themselves by referring to the evidence of Mr. Hudson, of Castle Acre, Mr. Bennett, &c., on this subject, and adding that if further experiments should establish the utility of the process, the malt duty must be considered as a serious obstruction to agricultural economy.”

A Committee of that House on the subject of the Malt Tax sat in 1863. The right hon. Gentleman the Member for South Lancashire (Mr. Gladstone) was a Member of that Committee. It sat so late that it made no general Report; but it recommended that it should be re-appointed in the following Session. The Committee, however, had not been re-appointed. These facts, he thought, would justify the proposition which he now made for the appointment of a Select Committee. There were two great interests concerned—those of the producer and those of the consumer; and there were two points with regard to the former which well deserved inquiry—first, whether the present system did not hinder the proper rotation of crops, and thereby retard the improvement of agriculture; and secondly, whether malt was not good as food for cattle. The right hon. Gentleman the Member for South Lancashire, when in office, seeing that there was something in the complaint made, particularly with regard to the poorer kinds of barley, sought to introduce a system under which barley of a lighter character and inferior quality might stand some chance of being dealt with in the market. But this attempt had, on the whole, been a failure; the maltsters would not purchase anything but the best qualities of barley, and therefore the inferior qualities were a

Colonel Barttelot

drug in the market. Men who ought, in proper rotation, to grow barley did not do so, but grew wheat or oats instead, being certain of obtaining by that means a better and more productive crop, the demand, on the contrary, which would be created for a crop of barley depending entirely upon its quality. The right hon. Gentleman had also introduced a Bill with the object of enabling malt to be used for feeding purposes. But the only result of that Act was that his hon. Friend the Member for Derby (Mr. Bass) brewed from that mixture some beer which the right hon. Gentleman opposite tasted and thought very good. [Mr. GLADSTONE dissented.] The right hon. Gentleman, perhaps, had forgotten the circumstance; but he remembered quite well his going out and trying the two samples and returning to his seat with a smiling countenance, and thinking his own mixture the best. He (Colonel Barttelot) believed that malt was most useful in feeding cattle. Then came the question with regard to the consumer. Into the figures, as they affected the consumer, he would not enter; but it certainly well deserved inquiry whether the statement made by Sir FitzRoy Kelly was capable of being substantiated—namely, that to collect £6,000,000 of revenue it cost the consumer £20,000,000 of money. There was another consequence of this tax severely felt in country places. It placed before poor men by the hands of the publicans an inferior drugged article, and though persons in a position to do so might obtain a good article from the brewers, the beer which was supplied in the common public-houses was most injurious to the health of the working classes. The annual Report in *The Inland Revenue Almanac* gave the following facts:—

“Twenty-six samples of beer, and of materials found in the possession of licensed brewers, have been analyzed, and of these twenty were found to be illicit; the prohibited ingredients being, in fourteen samples, grains of paradise, one of these samples containing, in addition, tobacco; in two others cocculus indicus was present in large and dangerous quantities; two samples contained capsicum; and the remaining two proto-sulphate of iron. Generally, the prohibited materials employed in the adulteration of beer are not injurious to health, and it is but seldom that instances come under my notice in which poisonous substances have been used, the object of the fraudulent brewers or retailers of beer being more to increase the bulk of their goods than to render the beer stupefying by the addition of noxious materials. Still, there can be little doubt that the practice of adulterating beer with poisonous matters, such as tobacco and cocculus indicus, is more prevalent

than might be inferred from the small number of detections made."

That Report showed at least that adulteration was going on. Then it would be worthy of most careful consideration whether this tax could be taken off barley and placed upon beer. No doubt the Chancellor of the Exchequer and the right hon. Gentleman the Member for South Lancashire might see difficulties in the way; but still, if the change were for the public benefit, and if it were opposed to free trade principles that barley should be hampered with heavy taxes, it was the duty of the House, and one from which it ought not to shrink, to deal with this tax, especially as by judicious action the revenue would not be diminished. His right hon. Friend the Chancellor of the Exchequer had once endeavoured to take off half the duty upon malt. No great encouragement was given to that proposal; but his right hon. Friend, he believed, had faithfully endeavoured to carry out his own convictions, though in the face of great difficulties. He himself had not hesitated to declare that the malt tax could not be dealt with this Session, the surplus not being sufficiently large. The right hon. Gentleman the Member for South Lancashire, the right hon. Gentleman the Member for Ashton-under-Lyne (Mr. Milner Gibson), and all great authorities had stated that it was of no use attempting to deal with the malt tax except in a very large way. He asked for a Committee because he believed it to be the only satisfactory way of laying before the House and the country the real state of the case, and thus better enable the Chancellor of the Exchequer to relieve barley from the heavy tax under which it groaned. He believed that such a step—whether the total or partial abolition—would be a simple act of justice to the producer, and would prove a great benefit to the consumer. The hon. and gallant Member concluded by moving the appointment of a Select Committee.

MR. READ rose, with great pleasure, to second the Motion of his hon. and gallant Friend. The Notice which he had placed upon the Paper at the early part of the Session might have taken the form of an abstract Resolution, somewhat similar to that moved in the previous year by the present Lord Chief Baron, the loss of whose services in that House, particularly in relation to the malt tax, they must all deplore. Upon further consideration,

he thought the best way to come to a satisfactory and just settlement of this question was that just submitted to the House by his hon. and gallant Friend—a course of proceeding which was by no means to be considered as shelving the question, as some persons supposed, but was likely to lead to a just and satisfactory settlement. There was an opinion prevalent out of doors that they had had several Committees upon this malt tax. But the only inquiry he could find was that which took place in 1835, when the Commissioners who were appointed to inquire into the Excise revenues generally reported upon bricks, glass, paper, soap, and lastly, malt. The Report was remarkable by its statement to the effect that, if it was possible to increase the supply of barley by admitting free importations, it would be perfectly safe for the Government to abolish half the duty upon malt, because the revenue would probably be very soon recouped by the increased consumption of the article. The first inquiry which the Committee would enter into was that regarding the case of the producer. Now, they had learned many valuable lessons from free trade. In the case of meat, they need not be seriously alarmed on that head, because, though it cost no more to send a bullock from Holland or Hamburgh than from the eastern parts of England, the prosperity of the working classes had increased since free importations were allowed, and larger sums of money were received in consequence of the increased consumption of meat. Again, there was wool. It was formerly thought that the Southdown varieties were the best adapted for the English market; nevertheless, we found that other countries could not grow longwools in such perfection as we could. Then, as to wheat also, other countries could produce the article cheaper and better than we could. But in respect to barley, it was impossible for the foreigner to touch us, because the soil and climate of this country were peculiarly adapted to its growth. We sent to Australia, in return for some wheat received from that distant country, a considerable amount of barley; the exportations of which, since 1862, had increased rapidly. They had been told that the malt tax was a protection to the growers of barley; but he would ask whether the House thought that an Excise duty of 6*d.* on meat would benefit the consumer? or whether a tax of 1*s.* on woollen yarn would prove of advantage to

the same time enhanced, the best from its scarcity, and inferior samples from an increased demand. The burdens on land were annually increasing. They had this year lost the privilege of keeping sheep dogs free from tax; and the exemption of duty on fire insurance will not much longer exist, as they would soon all be repealed. The succession duties had also been imposed on land; and therefore he contended that the only real and practical argument against the repeal of the malt tax was, that the Chancellor of the Exchequer could not spare the money. The right hon. Gentleman might, however, have given them this year as much relief as he could have spared, while the remainder of the tax could be recouped by the extension of the brewers' licence, with general application, even to private brewing. Last year, the brewers' licence of 3*d.* per barrel produced £343,000, and an increase to 3*s.* would produce over £4,000,000. The licence, if applied to private brewers, would be cheerfully paid; and there would be no more difficulty in imposing it than there was in collecting the income tax, by calling upon a man to make his own returns. If the Committee were appointed, he felt certain their labours would prove the unfairness of the malt tax, and that the farming interest had not unjustly complained of the manner in which it was imposed.

Moved "That a Select Committee be appointed to inquire into the operation of the Malt Tax."
—(*Colonel Barttelot.*)

MR. GLADSTONE: I have been given to understand that it is the intention of Her Majesty's Government to offer no opposition to the Motion, and I do not at all complain of that intention; but I am anxious to make one or two comments on the speeches just delivered, and to offer a suggestion with regard to the terms of the Motion. The general principle of inquiry into the operation of the malt duty is one which it is impossible to take a fair objection to, for the duty is not levied on an article prepared for consumption, but on an article which has yet to undergo part of the processes of manufacture; and a duty levied during the first processes of the manufacture necessarily raises a number of questions with regard to the incidence of the tax which ought fairly to incline the House to grant an inquiry into its operation upon a smaller showing of a positive grievance than it would require in other instances. Refer-

Mr. Read

ence has been made to two Acts which I am responsible for having proposed to Parliament, one having reference to the use of malt for the feeding of cattle, and the other to the charging of duty by weight. I beg pardon for having interrupted the hon. Member for East Norfolk (Mr. Read), but I thought he mis-stated the percentage of malt, the duty on which had been charged by weight. I understood him to say that in 51,500,000 quarters only 3,500,000 quarters, or about 4 per cent of the whole, was charged by weight; but I believe about 7 per cent to be about the real proportion. Of course, it is desirable that the House should know more exactly than it does at present what the operation of that Act has been. As far as the quantity charged by weight is concerned, I should say it is larger. At the time the Act was passed I do not think the expectation was that it would apply to a larger proportion than 7 per cent of the total consumption. But it is important the House should know how far the hon. Member for East Norfolk has foundation for saying that the barleys which have had the benefit of the Act are to a considerable extent foreign barleys. I do not mean to say that that would be an objection to the Act, but it would be a fact of very considerable interest. It is also desirable that the House should have that sort of information a Committee would obtain with regard to the application of the Act relating to malt for the feeding of cattle. There has been no recent Return on the subject; but if my memory serves me, the introduction of the Act led a considerable number of malting establishments to prepare malt for the feeding of cattle. However, the business gradually dwindled, but to what extent I am not aware. It is also said that during the cattle plague there was a partial revival of this malting—though again I do not know the fact, or to what extent. It is desirable to ascertain these facts. It was stated in some quarters, and it is desirable that the allegation should be tested by inquiry, that the diminution of these establishments was owing to the restrictions of the Board of Inland Revenue, which were so stringent that it was impossible to carry on business. I know that the opinion of that Board and of its officers is very different, and it would be only fair to all the parties that evidence should be taken on the subject; because, unquestionably, if the application of malt upon a large scale to the feeding of ani-

mals is economically desirable and advantageous, such application would be a material point for the consideration of the House in connection with the malt duty. The hon. Gentleman who has just spoken (Mr. Read), and who speaks with a modesty equal to his authority and experience, referred to the effect of the old Corn Laws as having raised relatively the prices of wheat. It has been a custom with those who have endeavoured to moderate the statements of the opponents of the malt tax, to point out the progressive increase in the prices of barley since the time the Corn Laws were repealed. The hon. Member accounts for this in a degree perhaps, by saying that the effect of the Corn Laws evidently was to produce a more excessive action upon the prices of wheat than upon those of other grain. I do not deny that there may be some truth in that, from causes which it is not necessary now to examine; but I do not think it is by any means an adequate or sufficient explanation of the growth in the prices of barley, such as we have witnessed. If it were true that the prices of wheat had been raised relatively to the prices of barley by the operation of the Corn Laws, and if that was the whole explanation of the great change which has now taken place in the prices of barley, my argument would be that in that case the effect would have followed at once and with great rapidity upon the abolition of the Corn Laws. That, I think, was not the case; there was not a sudden and violent change in the relative prices of wheat and barley upon the abolition of the Corn Laws, but slowly, gradually, and regularly, the price of barley has gained upon the price of wheat. I think also, in extenuation of the charges against the malt tax, it is only fair to point to the fact to which the hon. Member for East Norfolk referred with satisfaction, that in this article we are not an importing but an exporting country, to a limited extent in malt, and to a large extent in beer. The export of beer is becoming, in fact, not one of our greatest export trades, but a very considerable one, and it is rapidly growing in magnitude. Here, again, is a fact which in some degree mitigates the statement made with regard to the effect of the malt tax upon the badness of beer in country public-houses. If the malt tax necessitates brewing of very bad beer relatively to its price in our country public-houses, how in the world is it our brewers are able to brew beer so good in this coun-

try, under the operation of the same duty, that we can afford to export it to other countries and beat the brewers of beer there out of their own markets? The hon. Gentleman who seconded the Motion said of the six weeks' credit to the maltster that he did not consider it a matter of much consequence. But the credit is more than six weeks—it is upon the average nine weeks; but even if it were six weeks, the hon. Member, or any one engaged in trade, who had to obtain money for six weeks, would find that the bankers did not consider the use of money for six weeks a trifle—he would have to pay for it. I hope the effect of this debate will not be to raise a sanguine expectation out of doors with regard to the power of the present or any other Government to part with the malt tax—in the shape, I mean, of a large revenue from barley converted into beer. I have never been able to understand why it is so little attention is paid by the advocates of the repeal of the malt tax, to the operation of the spirit duty upon the price of barley, which is quite as fair a subject for inquiry as that now under consideration; but I am very glad to hear in their speeches delivered to-night a disposition to recognise the necessity of an inquiry into this part of the subject. It is, in fact, a growing necessity; because it must be borne in mind that the duty derived from malt is a growing duty. A few years ago it was £5,000,000, now it is spoken of as £6,000,000; and, if I am not mistaken, it is turned or approaching £7,000,000 a year, and will continue to grow with the growth of the consuming power of the country from the great improvement that has taken place in several branches of trade. I was a little sorry to hear the reduction of the number of maltsters and brewers referred to apparently with a disposition to suggest that the reduction was to be regarded as an evil. Such changes infer inconveniences to individuals, but it would not be fair to ascribe that reduction to the malt tax. This is a manufacture of a highly scientific character, requiring not only a rough and ready experience, but also a considerable knowledge of a refined character, especially connected with practical chymistry; and in this manufacture there is a natural and necessary tendency to concentration in fewer hands, and it is in connection with this concentration, and the establishment of large concerns, there has been that improvement in the quality of the article

produced which has given us the access we now have to foreign markets. Therefore I think it would be a mistake to suppose that the burden of the malt tax was the reason for the reduction in the number of maltsters and brewers, that reduction being contemporaneous with a large increase in the quantity produced. I remember very well that before the repeal of the paper duty the number of paper-makers in this country had been diminishing, and at the time of the repeal it was supposed they would continue to diminish; but the very first effect of the repeal was to stop the diminution; and the number of maltsters and brewers depends upon causes quite distinct from the incidence of a duty like the malt tax. I have only referred to a few of the points of this question which appear to show the very legitimate reasons which exist for instituting an inquiry such as is now asked for by the Mover and Seconder of this Motion: particularly since these hon. Gentlemen have been disposed fairly to admit that the interests of the revenue must be considered. Surely it is one of the meanest arts of the demagogue, using that word in its worst sense, to hold out to any portion of the community, interested as producers, vague expectations that the State will be able to part with enormous sums of public money, we having in our own minds at the time no means of replacing those sums, and consequently being guilty of arousing expectations which there is no possibility of fulfilling. The hon. and gallant Gentleman the Member for West Sussex (Colonel Barttelot) says that he wishes this Committee to take the place of the Committee which was appointed on the Motion of the present Lord Chief Baron, (Sir FitzRoy Kelly.) I submit to the hon. and gallant Gentleman whether he would not do well to adopt the terms in which that Committee was appointed. In so doing he would not in any degree alter the breadth and fulness of his inquiry, but might help to prevent the growth of those vague expectations which I am sure he would not wish to encourage. The terms were these—and they were not moved by me as an Amendment on the Motion, but were adopted by Sir FitzRoy Kelly, and made a part of his Motion. The Select Committee was appointed on the 23rd of June, 1863—

“To consider whether, compatibly with the interests of the Revenue, the Laws relating to

Mr. Gladstone

the Excise duty upon Malt can be amended so as to operate more advantageously with reference to the cultivation and price of Barley, to the manufacture and price of Malt and Malt Liquor, and to the use of Malt in the feeding of Cattle and Sheep.”

This plan of pointing out topics of a practical character for consideration by the Committee would be an improvement upon the terms of the present Motion, which is necessarily somewhat vague and general in its character. I do not wish to make this suggestion in any hostile sense, nor should I think of moving an Amendment; but I would submit to the Government and to the hon. and gallant Member, whether it might not be of some advantage to enlarge the terms of the Motion as I have suggested. I must add that it would be only fair and just if the hon. and gallant Gentleman also thought fit to include in his Motion the sister topic to which I have referred—namely, the operation of the spirit duty upon the same subject. Questions relating to the growth of barley used in malt chiefly interest the Eastern and Southern portions of this country; questions relating to the growth of barley used in the making of spirits have a much wider range, and extend to the furthest North. I should be disposed to consider that it would be a further improvement in his inquiry if he were to make it cover the whole growth of barley considered as an article of production which is to undergo manufacture.

MR. HENNIKER-MAJOR said, as the representative of one of the greatest barley-growing counties in England, and where as much, if not more, interest is taken in the repeal of the malt tax than in any other county in this country, he ventured to address the House on this occasion, and trusted the House would grant him some indulgence as a new Member in the few remarks he wished to make. He gladly supported the Motion of the hon. and gallant Member for West Sussex for a Select Committee to inquire into the operation of the malt tax, as he thought it would lead to this question being thoroughly investigated, and every argument on either side being carefully sifted, so that it might be placed fairly before the House as it stood at the present time. The Chancellor of the Exchequer said a short time ago, when he introduced his Budget in that House, that he thought this tax the only one that really bore injuriously upon any large class of taxpayers in this country at the present moment.

He (Mr. Henniker-Major) felt sure that the Committee would not only be able to endorse this opinion, but that they would report that the demand for the repeal of this duty was only a fair and a just one on the part of those who made it, if it was more than asking for the redemption of a pledge given at the time of the repeal of the Corn Laws. He could not help expressing his very great disappointment and surprise that the Chancellor of the Exchequer had not thought it his duty to deal with this tax this year, even if only to a small extent; but remembering that he had attempted to deal with it once before, he trusted that if strong evidence were brought before the House in favour of its repeal by the Report of the Committee, that it would carry such weight with it as to induce him to alter his policy so far as to deal with it on a future occasion. It would be out of place to enter into any argument on this occasion, when the matter was about to be looked into by a Select Committee, particularly in him, when every argument had been urged in such an exhaustive and able manner before the House at different times by those far more competent to do so than he was himself, in favour of the remission of the tax; but he must ask the House for a few minutes' indulgence while he made a few remarks. When he knew the state of the case, as of course he did in his own county—and he was speaking of a county where a great deal of barley was grown, no less a proportion than 138,496 acres out of the total average of the county 405,000 or 406,000 being under that crop by the last agricultural statistics as far as he could make out—he was sure this tax bore most unfairly and injuriously upon those who were liable for the payment of it, preventing barley being grown where it might be grown with great advantage, and preventing the use of a most useful ingredient in the feeding of cattle and stock of all kinds, bearing upon those who, as an hon. Member said the other day in this House, are “traders after all who require to hire land to carry on their business,” in a manner which would not for a moment have been tolerated if it had affected any other branch of industry, manufacture, or trade in the country. Nor did he think it would have been tolerated by the agricultural interest if there had been more cohesion amongst them. He trusted in future that they would stick together on subjects that were of such interest to them as the one before

the House. He hoped the Committee would not forget to look carefully into a part of the question that he believed to be a very important part of it—namely, how it affected the consumer. If what had been stated by two hon. Members who had previously spoken was correct, that by the time beer reached the consumer £20,000,000 was paid on account of this tax, which affected only £6,000,000 of the revenue, he thought it was indeed a heavy burden. He hoped the effect this tax had upon the agricultural labourer and poorer classes would be looked into, in regard to the system of cottage brewing especially, for he believed it would be almost universally adopted throughout the country for the very reason that now, whenever the cottager had a chance of brewing at home—and at the present time the opportunities were few from the pressure of this tax, in most counties only once a year, at the time of harvest—he gladly availed himself of it. He thought the remission of this duty would be a great boon to every class of labourer, as it would enable him to get good beer, not as a luxury, but as almost a necessary comfort and part of his diet. He (Mr. Henniker-Major) thanked the House for listening to him so long, and in conclusion would say he hoped the appointment of the Committee would lead to the whole subject being clearly and fairly laid before the House in the words of the right hon. Gentleman the Member for South Lancashire on a former occasion when this question was being discussed—

“Not because it is not a matter fit to be entertained, but on the contrary, on account of its importance; and I will go one step farther, and say on account of its urgency, for I am very strongly persuaded that it is a subject that should be fully unfolded before the House and taken into its consideration.”—[8 *Hansard*, clxxxii. 1565.]

MR. SURTEES: I regret very much that during the last few years, when there has been a considerable amount of surplus revenue which might have been applied to the repeal of the malt tax, that that course was not adopted. I am, Sir, however, anxious that the Committee which is now asked for, may be granted; because I believe that if it should be granted, the obnoxious nature of the malt tax will be so clearly demonstrated that numbers of hon. Members who may have been sceptical on the subject will become convinced of the objectionable character of the impost. It is asked, Sir, by the agricultural interest, if it is fair that barley which sells

for 35s. per quarter should pay the same amount of taxation as barley which sells for 55s. per quarter? as has been the case this season. It is asked if it is not contrary to the sound principles of taxation that the duty should be imposed upon the raw material. And it is asked if it is not unjust to deny that freedom of industry to the agricultural interest which has been so earnestly advocated for others. But, Sir, it has been said that if the malt tax were repealed, that the reduction of 21s. 8d. would affect the price of beer in a very small degree. Now, Sir, I maintain that 21s. 8d. and 5 per cent on it, does not represent the whole of the increase in consequence of the malt tax, in the price of the beer made from a quarter of malt. To this, Sir, you must add the maltster's profit on the duty. You must add also in many cases the maltfactor's profit on it; also the brewer's profit on it, and on the accumulations; likewise the publican's profit on it, and on the accumulations. But, Sir, that is not all; if any person now wishes to commence business as a brewer it is necessary for him to have, in consequence of the increase in the price of malt caused by the malt duty, a much larger capital than would otherwise be requisite. Thus, Sir, the monopoly of the brewers is promoted. But, Sir, repeal the malt tax, and you will not only strike a heavy blow at the monopoly of the brewers, but also knock down the price of beer. Now, Sir, with regard to the observations of the right hon. Gentleman the Member for South Lancashire, I would remark that the high duty on spirits is maintained not merely for the amount of revenue which it produces, but also in the interest of morality. And, Sir, as regards the diminution in the number of maltsters, I believe that that circumstance might be accounted for by the reduction in the time granted for malt credits. Well then, Sir, believing that it is desirable that we should collect all the information that can possibly be obtained, relative to all the bearings, direct and indirect, and operations of the malt tax, I do most sincerely support the Motion of my hon. and gallant Friend the Member for West Sussex.

MR. BEACH said, the right hon. Gentleman the Member for South Lancashire had commented on the fact that the British brewer was able to brew his beer, in spite of the duty, so cheap that he was able to undersell the foreign brewer in his own markets. But he (Mr. Beach) would re-

mind the right hon. Gentleman that our manufacturers could export beer and undersell other producers because they obtained a drawback upon the duty when the beer was exported, the result being practically that they paid no duty at all. He was very glad that they were going to have an inquiry into the question, and he trusted the Committee would succeed in setting fairly before the public the real merits of the case, because hitherto the advocates of the repeal of this tax had had little opportunity of expressing their views, that opportunity occurring but once in the Session, when a night was set apart for the consideration of this subject. To many hon. Members it appeared that the abolition of the malt duty would necessitate the imposition of a beer duty. Such an alternative, however, he believed to be undesirable, and he appealed, in confirmation of his opinion, to the experience of the past. Previous to 1830 there existed both a malt and a beer duty. By the former a revenue of about £3,600,000 was raised, and by the latter about £3,000,000; so that the difference in amount was scarcely an element in the consideration of the respective taxes. There was a considerable amount of distress in the country, and the taxes pressed heavily on the people. The Government of the Duke of Wellington were naturally anxious to abolish such taxes as would afford the greatest relief to the community. An inquiry was instituted to ascertain whether the beer duty or the malt duty might be most advantageously removed. At that time it was urged that on each quart of beer the beer duty was three-quarters of a penny. Every £1,000,000 of duty removed would take from the price of the quart one-quarter of a penny, while £1,000,000 of malt duty removed would only lower the price one-twelfth of a penny. Mr. C. Barclay, referring to the matter, said the removal of the malt duty would save the public $\frac{1}{2}$ d. per quart in the price of beer, while the removal of the beer tax would lower the price 1d., and that he was quite satisfied by the removal of the beer duty the country would be benefited to the amount of upwards of £4,000,000. Mr. Goulburn, the Chancellor of the Exchequer of that day, after the most careful inquiry, arrived at the conclusion that the abolition of the beer duty would confer a far greater relief on the community than that on malt, although the amount of revenue the two duties then yielded was very nearly the

same. Still the matter was one worthy of attention, and if it was found at the present time that a beer duty would press less heavily upon the public, they might by all means change the nature of the tax; but until the conclusion arrived at at that time could be impeached it would, in his opinion, be useless to contemplate such an alteration. He did not think that those who were anxious for the repeal of this tax could be accused of indulging in any very exacting language upon the subject. The most that they had asked for was that the case might be considered when an opportunity was offered by the discovery of a surplus. He trusted that the labours of the Committee would result in the reduction of this tax, and that ultimately this favourite though not most favoured production of the English soil might grow free and unfettered.

LORD EDWARD CAVENDISH questioned whether any fresh light would be thrown upon the subject by the investigation of the proposed Committee. The malt tax ought to be dealt with irrespective of party considerations. The question was one that pressed for immediate settlement. The Chancellor of the Exchequer had acknowledged in his Financial Statement that there was no portion of the community upon whom taxation pressed so heavily as upon the agricultural class; and yet, instead of affording them any relief, the right hon. Gentleman had appropriated his surplus in other directions, and had rendered a reduction improbable if not absolutely impossible for some years to come.

MR. CORRANCE: As it is now understood that this question will be assigned to a Select Committee, a proposal to which, let me say, nevertheless, I could not have given my consent, I shall not attempt to enter into any elaborate argument on any special details. We shall in future be in a better position to deal with these, subsequently to that Report. I shall therefore, in the few observations I am about to make, confine myself to the situation now existing, and which has existed for some time previous to this, which I only trust may not be the final exit of this measure from the House. To me, Sir, as the representative of East Suffolk, this question comes by hereditary descent, and yet it is a legacy from which we seek to be relieved. Perhaps I am rash to remind the House of this, for it will remind them of the advocacy of this cause by one with

whom I am not worthy to compare—of one now a Judge upon the Bench—of one whose knowledge of the subject and power of exposition it would be hard to replace. Sir, to recall his memory may be rash personally, but I am not careful as to this, for it may serve to remind this House of logic unanswered, and facts beyond all power of dispute. And now, Sir, what was the nature of this proof? He observed, as we also have, that a great industry is depressed by an enormous and disproportionate tax; that it affected the producer, and it injured the working class, by placing upon their produce a burden estimated at from 95 to 100 per cent, and that the mode of doing so was this:—that it encouraged the substitution of other material; that it rendered inferior barley valueless as an article of sale; that it debarred the farmers from using it for feeding or fattening stock. Now, whatever value you may assign to each of these statements, it will not be denied that collectively they amount to a very substantial fact well worthy of careful consideration. So much for his case as a producer; but it must also be remembered that he is, as a farmer, a consumer as well, and to a large extent as an employer of labour not less directly than before. At one time wages used to be partly paid in malt, to the very great advantage of both employer and employed, saving by the avoidance of all contingent expenses and duty, at least 1s. or 2s. a week. But, Sir, this is not the only ground for our appeal; the strongest of all must be found in the condition of our labouring class. [*Ironical cheers.*] Yes, Sir, the condition of our labouring class—those who your press has lately designated venal serfs—those unrepresented men to whom you so grudge the vote. Excuse me if I say that these also merit some attention on your part. Wages, you will tell me, have risen, and will rise. Well, but do I feel any satisfaction at this? I should do so, no doubt, if the rise of such wages betokened an increased demand, and stimulated production; but is this the case? I think not; it is caused by a scarcity of labour, which has departed because unemployed. If the demand for labour is great, then, indeed, it is a healthy sign; but if we find that high wages and slack employment are combined, it is by no means a sign that such an industry is in a healthy state. But, Sir, there is a point beyond which wages cannot rise—the produce becomes unremunerative, as such. It must

soon become so in this case. The price of produce has risen, slowly; but so, indeed, has everything else, and labour not least. And why? because this labour departs. Is it not worth asking the cause of this? and is it not possible that one such cause may be found in the artificial dearness of what, to the labourer, is a necessity of life? Now, Sir, this I must contend is no fictitious or unsubstantial claim which I set up. You admitted it when you repealed the Corn Laws—everyone who calls himself a free trader in this House. I confess I am unable to see upon what grounds the counter-arguments could rest, unless we accept such logic as this—I quote from the most talented of our daily papers. It says that all the pressure put of late years on agriculturists has immensely increased the product of the soil. I confess I am more willing to agree with a sentence next ensuing. It is scarcely reconcilable with this—namely, that no man will tax his muscles or his brain without the prospect of reward. For I cannot help considering such healthy stimulant as more valuable than the thumb-screw or the rack. Well, Sir, this would seem ever to be the opinion of the subject himself; few means on his part have been left untied, but to one uniform result. For they have found various Chancellors of the Exchequer each more obdurate than the last. I have attended several deputations myself. First we went in small parties; then surged into the room *en masse*. Some of such meetings took a gloomy and sinister turn; some were almost jocose. I remember one such eventful scene, when one of the deputation produced a bottle out of his pocket and a glass, and I think a corkscrew as well if I remember right, and the then Chancellor partook of the refreshment and absolutely laughed. He also avowed his entire predilection for “Bass,” an amiable sentiment which let us hope in spite of some recent events, may not have been *em-bittered* overmuch. Nothing could be more promising than this; but, Sir, did the tax come off? Not one bit. Well, Sir, coming to more modern times, what has now taken place? Once more the Chancellor rises in his place, and the eyes of county Members brighten as the words slowly drop from his mouth. He admits the injustice—he states the exceptional case; but, Sir, the concluding words I would fain not utter, he does not take off the tax. Well, Sir, I cannot judge the requirements of the case; they had needs

be great, and the right hon. Gentleman would think so if he knew the full effect it had produced. There are good and staunch supporters who have turned indignantly away, perhaps, for ever—I cannot say. They have lost faith in the fair dealing with the case. One thing seems certain, that while it has been possible to remit £11,000,000 of such indirect taxes in as many years without seeing a drawback to the revenue, not one farthing of this tax can ever come off. The tax is always too big or the surplus too small, or we must deal with it in a manner which may be comprehensive but is not comprehensible, I would humbly submit, nor is it wide enough or wise enough to include this tax. Sometimes the whole cannot be possibly spared. Sometimes the cost of collection is far too great to admit of a part. And this cost of collection, now paid by every consumer, ought it not to be conclusive against the tax as it is? We have lately heard so in another case—the turnpikes. The fact is that the alternatives are distasteful to the House, or rather to those who manage the affairs; for these are income tax or financial reform. Why, Sir, this measure should have many friends. Where are the economists? Where are the advocates of direct taxation? Where are the free traders, there are those interested in financial reform—strange bed-fellows for the British farmers; but they have been much forced upon him of late, and with such he must put up if thrust out of this side of the House. Perhaps, however, they will not have him. Then, indeed, he must wait, and the Motion of my hon. Friend is well judged. Yes, Sir, he must wait perhaps for Reform, perhaps until by perennial Chancellors the National Debt is paid off, perhaps until the New Zealander sitting upon his broken arch looks moralizing upon the ruins of Barclay and Perkins’s and quays lately loaded with Bass. Sir, in supporting the Motion of my hon. Friend, I would only say, I trust not.

Mr. JASPER MORE said, it was impossible for the agriculturists to refer to the last speech of the Chancellor of the Exchequer on the malt tax without feeling extreme disappointment at his neglect of the question when in office. Speaking on the Motion for substituting a reduction of the malt tax for reduction of the sugar duties proposed by the hon. and gallant Member for West Sussex, in the discussion on the Budget of 1864, the right hon. Gentleman fixed the time for proposing a

repeal of the malt tax. He laid down then that we should first discharge the engagements undertaken by the country at the time of the Crimean War, the reduction of the sugar duties being one, and having discharged these, then, said the right hon. Gentleman, "if our resources continue abundant and the country prosperous let us bring forward the claims of what may be considered the last of the Excise duties." He did not state then what amount of prosperity of the country would be the condition of dealing with the tax; but he has told us now that it can only be dealt with in a "comprehensive" manner. He thought this word, which was so often introduced into their Parliamentary vocabulary, was not always easy to comprehend; but he understood the Chancellor of the Exchequer to mean that the tax would not be repealed till the surplus of the revenue equalled the tax in amount. If that were so, it was not clear why the right hon. Member for South Lancashire was reflected upon for not dealing with it with the surplus at his disposal; but it was clear that the farmers were right now in changing their tactics, and therefore the attempt to substitute for the malt tax a tax upon beer became worthy of consideration. This proposal enlisted the sympathies of all those philanthropic persons who were considering what would be the most effectual means of diminishing drunkenness amongst the poorer classes. Drunkenness it was found arose chiefly from the adulteration of the beer they drank, rather than from any undue tendency to intemperance amongst the working classes. The argument for the repeal of the malt tax from this point of view was that it would diminish drunkenness by causing a pure to be substituted for an adulterated liquid, and by enabling beer to be brewed at the poor man's house. The practicability of cottage brewing was often denied in the House of Commons; but that it was prevalent in England is plain from numerous passages in Shakespeare, and that it is prevalent in other countries now he could prove from the Consul General's Report for Prussia. He states that permits are granted to certain poor families to brew free of licence or tax, and that between 16,000 and 17,000 of these permits were applied for and granted in the year 1864, the number annually increasing. He had some time ago proposed an Amendment to the hon. and gallant Member's Motion, not for the purpose of opposing him, but to enable the country

to hear the Chancellor of the Exchequer's opinion on the question; and it now being shown that he is no more able than the right hon. Member for South Lancashire to deal with the question directly, he wished the hon. and gallant Member success in attempting to obtain the object that has been for so many years before the House, by the substitute of a beer duty.

MR. GREENE said, that no one felt a deeper interest in the welfare of the agricultural classes than he did, and he should therefore support the Motion for the appointment of a Select Committee. His belief was that the malt tax was not a real grievance, and if the matter was gone into fairly and dispassionately it would have the effect of convincing the farmers that it was not the hindrance they imagined it to be. When they took into consideration the average price of barley for the last seven years, he did not think there existed any complaint on that head, and he thought that owing to the mode in which the tax was levied there was an advantage to the finer qualities of barley, for whether barley yielded 80 or 90 per cent it paid the same duty. The right hon. Gentleman (Mr. Gladstone) had given advantage to a lower class of barley by allowing it to be malted at a less duty; but the difference in the extract of malt was so great that the price of the finer qualities was enhanced by the duty, inasmuch as it cost no more for 90 per cent than for 80. Therefore the barley grown on the finer soils had an advantage. It had been said that if the malt tax were repealed beer would be brewed at home; but the artisans in large towns had no means of brewing at home even if the malt were given them for the purpose; and with respect to the agricultural labourer, if the duty on malt was reduced it would not be so reduced as to enable him to consume it generally in his family. It was a hardship undoubtedly upon the farmer that he should be compelled to pay duty upon barley which he had grown himself and wished to convert to his own use. No doubt he might send his barley to the maltster to be converted into malt; but he might ask, with the same reason, why he did not buy his wheat and send it to the miller to be converted into flour. As to this being a poor man's question, if the tax were taken off malt and placed upon beer would not the poor man, as consumer, pay it eventually. There had been no complaints from the consumers of beer that the duty on malt enhanced its price. It

had been said that if the duty was taken off malt inferior barley would be brought into use; but against this argument must be set the fact that foreign barley would always come into competition with it, and the brewer would use it in preference to the coarser barley grown on heavy land. If the question were fairly investigated by a Committee he had no doubt they would come to a decision that considering the large revenue raised from spirits and malt, if the duty was not retained some burdens of a worse character would fall upon the agriculturist. The question of the duty on malt was not a free trade question, for there was no prohibition of barley and malt coming into the country. If the subject received a calm investigation, and if the Committee was properly appointed, he had no doubt they would come to a fair conclusion on its merits. If the Report of the Committee convinced him that the malt duty was injurious to the agricultural interest and ought to be removed, he would not resist its removal; but in his opinion the tax was paid by a large class of well paid artisans who could not be reached in any other way, and if the duty on malt was reduced a large number of persons who could afford to pay it would be relieved from taxation.

MR. BARROW said, the malt tax was an excessive duty on the raw material, paid by the producer in the course of his manufacture. Now, the hon. Gentlemen opposite had always professed themselves anxious to remove duties from the raw material of our manufactures—why should they refuse to act on the same principle with regard to the farmer, from whom excessive duties were levied upon an article which he had himself raised. The farmer grew the barley, he must use a certain portion of malt, and his raw material was taxed before he could use it in the course of his own business. The tax on malt on a small farm was more than double the property tax, and this showed that it was an enormous pressure on the small farmer. It had been said that their patriotism would be called in question if they yielded to the claim of the farmer; but he was not at all afraid of such an imputation, and his belief was that the tax would be eventually removed. He felt so strongly on the subject, that he would rather pay double the amount of income tax than that the malt tax should be a pressure on his tenants.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member for Shropshire

Mr. Greene

(Mr. More) expects Her Majesty's Government to inform the House what their intentions are with respect to the malt tax. He also particularly wishes to know whether we believe it is practicable to exchange this tax for a beer tax. If the Government were prepared to give this information to the House, it appears to me there would be very little necessity for the appointment of the Select Committee which has been moved for. The hon. Member for Shropshire also informs us that great disappointment is felt in the country amongst the various classes connected with agriculture in consequence of Her Majesty's Government not having repealed the malt tax. If there be that disappointment I can only say that the character of the agricultural classes is very much changed since I have had an intimate acquaintance with them. I believe that the leading members of that class in all the counties of England are men of much too great sagacity, and are too well acquainted with the subject, to suppose for a moment that the Government intended to repeal the malt tax with the surplus which it was my business this year to place at the disposal of the House. These are, I think, somewhat careless and exaggerated statements, and I do not consider them at all likely to advance the cause to which the hon. Member for Shropshire has on several occasions informed us he devotes the whole energies of his life. [MR. JASPER MORE: I never made any such statement.] I so understood the hon. Member, and the interest he takes in the subject, and the enthusiastic manner in which he expresses his sentiments must be impelled, I think, by some feeling of that character. But I must say, on the part of the Government, that it will not be in my power to gratify his curiosity on this occasion. On the contrary, I think the Motion of the hon. and gallant Member for West Sussex (Colonel Barttelot) a very proper and sensible Motion. I do not oppose it; on the contrary, I approve of it. It is a long time since the question of the incidence of this tax has been investigated. Since that time the information we possess on these subjects has been very much increased; the progress of the public mind on subjects of taxation has been very great; and I believe that if this investigation is pursued with earnestness and application, the results, whatever they may be—whatever conclusions the Committee may arrive at—will be productive of great public advantage. There is another reason why I

think the hon. and gallant Member is wise in the course which he has taken. We have had now for several years Motions made in this House, and debates leading to the complete or partial repeal of the tax, and they have always been defeated. Their character has not been accurately described by the noble Lord who addressed us, and who is also, I believe, a Member for the county of Sussex (Lord Edward Cavendish). They were not Motions for an absolute or even partial repeal of the malt tax; they only sought expressions of opinion from this House, that in any future reduction of indirect taxation the malt tax had a superior claim—or had a claim—to the consideration of the House; and I believe that since the time these were made no considerable reduction of indirect taxation has been proposed to the House—certainly not by the present Government; and therefore I think that the course my hon. and gallant Friend has adopted is a wise course, because to continue year after year making Motions apparently leading to the reduction of a particular tax, which cannot be successful, and which would be encountered by the same Amendments, leading to the same conclusions, will not at all advance the question or enlighten the public mind. With regard to the question itself, it is unnecessary for me to enter into its merits, as there is before the House a proposition for the appointment of a Committee, to which the Government entirely accede. But, with regard to another observation of the noble Lord the Member for East Sussex, I must also venture to criticize the accuracy of his recollection. He said that I described the tax as a burden on the agricultural interest. 'Now these were not the expressions that I used the other night. I did not use the word "burden," nor did I use the words "agricultural interest." I said that the malt tax was a restriction on the industry of the producers of barley; and I should like to see any one rise on either side of the House and deny that proposition. The malt tax is a restriction on the producers of barley, and after all the changes that have taken place it is no doubt, of those that are left, one of the most considerable restrictions upon the industry of any important producing class. That is the proposition which I think, cannot be controverted—no doubt it is perfectly sound and true; and yet there may be reasons which, on the whole, may render it politic and expedient still to retain

such a tax. A very considerable time has elapsed since there has been a complete examination of the subject, and after the variety of Motions that have been made on it, and the very extravagant views which are taken either way upon this subject, it is my opinion and that of my Colleagues that it is expedient that this Committee should be granted. I hope that the Committee will be efficiently constituted, and so far as the Government is concerned my hon. and gallant Friend (Colonel Barttelot) may rely upon our assisting him as much as we can in its formation, so that its labours may command the confidence of the House. I cannot doubt that the result of those labours will be advantageous to the House and to the country. With regard to the language in which the Motion is couched, I cannot advise my hon. and gallant Friend to adopt the suggestion of the right hon. Gentleman opposite (Mr. Gladstone). I think if he were to do so he would involve himself in subjects of very great difficulty; and I think the proposition he makes, which is a very simple one—one which, strictly regulated as I have no doubt the investigation will be, particularly under the management of my hon. and gallant Friend—I think will lead to a very satisfactory arrangement. Of course, it is open to my hon. and gallant Friend to adopt the suggestion of the right hon. Gentleman if he likes to do so; but I make no conditions—as far as I am concerned with the language of the Motion, I believe that the labours of the Committee will be very advantageous to the public.

MR. DODSON said, he thought the explanation given by the Chancellor of the Exchequer of the words he had used did not alter the case. The admission made was satisfactory to those who were opposed to the malt tax, for the words as explained were condemnatory of that tax equally with the words which had been attributed to him by the noble Lord (Lord Edward Cavendish). He hoped his hon. and gallant Friend (Colonel Barttelot) would not extend the subject of his inquiry to the question of the spirit duty. The spirit duty was a duty on a manufactured article. The malt duty was a tax, not on a beverage only, but upon food as well. It was a duty, not on the manufactured article, but on the raw material. There was no ground, therefore, for making a comparison. Still less was there any reason for alleging that the two beverages or the two taxes were of a similar character—they

were totally and essentially different in their nature. He did not suppose that there were two opinions as to the duty on spirits. It was universally admitted that spirits might legitimately be taxed to the utmost extent to which taxation might be carried without decreasing the revenue derived from the article. But in the case of beer they were not dealing with a dangerous or pernicious commodity, or with an article of luxury. Beer, if not one of the necessities, was one of the first comforts of the people, and consequently it was not to be taxed, except as a matter of necessity in the raising of a revenue sufficient for the wants of the country. It was said that if Parliament dealt with the malt duty without dealing with the duty on spirits, it would be doing an injustice to those counties in which spirits were consumed, and conferring a favour on those in which beer was the ordinary drink. That allegation would have force if the House were dealing with a compulsory tax like the income tax; but an indirect tax was an optional one. Spirits were undoubtedly more heavily taxed than beer; but if some people had the bad taste to prefer spirits to beer they had no reason to complain of the heavier duty. Besides, if the argument was good for anything, how could those who used it justify the exemption of cider from any taxation whatever; the fact was that a liquor like spirits could not be regarded in the same light as a beverage like beer. He confessed he should have thought the better course would have been to bring the subject of the malt tax under the consideration of the House by a direct Motion. He did not think much additional information was to be elicited by a Select Committee; but, as the Chancellor of the Exchequer had made his Financial Statement for the present year, he was glad his hon. and gallant Friend had got his Committee, which he hoped would make its Report in time to have an influence on the Budget of next year.

MR. DAVENPORT-BROMLEY said, that although regretting with the hon. Gentleman who had just sat down that the question of the malt tax had not been brought under the consideration of the House by direct Motion, he thought that they must be thankful for small favours, and accept the Select Committee as a possible means of obtaining the end which most of the county Members had in view. But he took this opportunity of alluding to a circumstance which had come to his

knowledge in respect of the hon. Member for Shropshire (Mr. More). As he had been informed—of course, if he was incorrect the hon. Gentleman would set him right—the hon. Member went down to his (Mr. Bromley's) county the other day, and took advantage of a meeting of the Chamber of Agriculture to call attention, in the first place, to the absence of the four county Members from that meeting.

MR. JASPER MORE assured the hon. Member that he had been misinformed—he had done nothing of the kind.

MR. DAVENPORT-BROMLEY hoped the hon. Gentleman would give a satisfactory answer to what he was going to further state. As he was informed the hon. Gentleman had stated at the meeting in question, that by their absence on that occasion, and by other ways in that House, the four Members for the county had shown their insincerity—or at least they were not very zealous—he was not sure of the exact words—about the repeal of the malt tax.

MR. JASPER MORE must inform the hon. Gentleman that he had made no such allusion to the Members for the county.

MR. DAVENPORT-BROMLEY accepted the hon. Member's denial as quite satisfactory. At the same time, he must acquaint the hon. Member with the fact that he was reported in the county papers to have made the statement to which he had just referred. He hoped, therefore, the hon. Member would inform the editors that the report was incorrect, and would advise them to withdraw it.

MR. AYRTON said, he wished to ask the hon. and gallant Gentleman the Member for West Sussex (Colonel Barttelot) whether, under the terms of their appointment, it would be competent to the Select Committee to thoroughly inquire as to the expediency of levying a duty on beer instead of on malt. He desired to protest against the assumption of the Chancellor of the Exchequer, that the malt tax was a restriction upon the industry employed on the growth of barley. He believed one of the great advantages to be derived from the labours of the Committee would be that that assumption would be shown to be entirely erroneous and unfounded.

COLONEL BARTTELOT said, he distinctly understood that the Committee would be competent to make every inquiry with regard to the possibility of placing the tax upon beer. Indeed, he believed that the Committee would be at liberty to

inquire into every other circumstance connected with the malt tax. He must say he was astonished at the suggestion made by the right hon. Gentleman the Member for South Lancashire (Mr. Gladstone) that the Committee should also inquire into the question of spirits. The two things were wholly dissimilar, and he thought the Motion which he had made would best suit the convenience of all parties.

Motion agreed to.

Select Committee appointed, "to inquire into the operation of the Malt Tax."—(*Colonel Barttelot.*)

And, on May 31, Select Committee nominated as follows:—Mr. STEPHEN CAVE, Mr. HUNT, Mr. GOSCHEN, Mr. G. SHAW-LEFEVRE, Mr. LAING, Mr. ARTHUR PEEL, Mr. AYRTON, Lord EUSTACE CECIL, Sir EDWARD MANNINGHAM BULLER, Mr. READ, Major PARKER, Mr. HENRY SURTEES, Mr. MORE, Mr. DENT, The O'CONNOR DON, Mr. HARDCASTLE, Mr. BENYON, and Colonel BARTELOT:—Power to send for persons, papers, and records; Five to be the quorum:—And, on June 3, Colonel DUNCANBEE added.

MILITARY RESERVE FUNDS.—MOTION FOR A SELECT COMMITTEE.

LORD HOTHAM, in moving for a Select Committee to inquire into the origin of the Military Reserve Funds, the sources from which they were derived, and the objects to which they were applied, said, that as he had received an assurance from the right hon. Baronet the Secretary for War that he did not object to the Motion, he thought he should best consult the wishes of the House if he refrained from troubling them with any of the details which he should otherwise have felt it his duty to lay before them. A Return which during the last few years had annually been laid upon the table of the House, showed that the Secretary for War was in receipt of large sums of money, of the raising of which the House had no knowledge, and as to the manner of disposing of which the House was equally ignorant. It appeared to him, however, that this was a matter with regard to which some information ought to be afforded. He also found that under the administration of these Military Reserve Funds great changes were being made in the system of the sale and purchase of military commissions. Although he did not concur in the opinions which had been expressed by hon. Gentlemen opposite as to the expediency of discontinuing the purchase system in the army—which, however it might seem objection-

able in theory, he thought was, practically, advantageous—yet he strongly objected to an extension of that system; and from the examination which he had been in the habit of making for a long time past into that subject, he believed that a great extension of that system was taking place. He perceived that commissions were now sold, under the authority of the Secretary for War, which, according to the practice of the army, were formerly given to the sons of distinguished officers, and officers were now obliged to purchase commissions, to which they were formerly of right entitled without purchase, while commissions were sold in the junior ranks to a great and prejudicial extent—the consequence being that it was a matter of difficulty to find ensigncies for young men who have entitled themselves, by successful study, to commissions without purchase. He wished the Committee for which he was moving to direct its attention to these matters; but he also wished the House to understand that the Committee for which he was moving was one of inquiry, and not of inculcation; for he desired to attach no blame to the right hon. Baronet the Secretary for War (Sir John Pakington), nor to the right hon. and gallant General who preceded him (General Peel), nor to the noble Marquess (the Marquess of Hartington) who preceded the right hon. Member for Huntingdon. His only object in moving for the Committee was to have a full investigation of the subject, in order that if the system was found to be good and useful to the service it might be continued under the sanction of Parliament, and that if it were capable of improvement it might be improved.

Moved, "That a Select Committee be appointed to inquire into the origin of the Military Reserve Funds, the sources from which they are derived, and the objects to which they are applied."—(*Lord Hotham.*)

SIR JOHN PAKINGTON: As has been already stated by my noble Friend, I have no objection to the appointment of this Committee, and it is therefore unnecessary for me to detain the House for any length of time. I shall follow the example of my noble Friend by saying very little on this subject. These Funds consist of considerable sums of money—the system has been in existence for more than forty years, and there is an ignorance on the part of the public, on the part of the army, and on the part of the House, as to the source whence they are derived, the pur-

poses to which they are applied, and the advantages, whatever they may be, which the army derives from them. I believe my noble Friend is quite right in the opinion which he entertains, that the House ought to know whence these Funds are derived, and what advantages the country obtained from the expenditure. I see no reason why the administration of the Funds should be involved in mystery. On the contrary, I think my noble Friend is quite right in his opinion that it is far better that these Funds should be understood by the public, and that they should stand upon their own merits. Under these circumstances, I think my noble Friend has done well in moving for a Committee of Inquiry, and I am glad to support his Motion.

Mr. CHILDERS was glad to find that the right hon. Baronet did not oppose the Motion. These Funds had for many years existed without the knowledge of Parliament, although there had once or twice been whispers abroad concerning their existence, and recently accounts relating to them had come to light. He would venture to say that all these kinds of Funds at the disposal of public officers, whether in connection with the Army, the Law Courts, or with any other public Department, were extremely objectionable, and always ended either in bankruptcy, when the public had to make them good, or in something very much approaching jobbery, when a great public exposure had to be made. All expenditure in connection with any public Department ought to be voted by Parliament, and brought directly under its view, and the sooner these Army Funds were brought under the control of Parliament the better it would be.

Motion agreed to.

Select Committee appointed, "to inquire into the origin of the Military Reserve Funds, the sources from which they are derived, and the objects to which they are applied."—(*Lord Hotham.*)

And, on June 19, Select Committee nominated as follows:—Mr. BAXTER, Mr. CHILDERS, Mr. GOSCHEN, Colonel HOGG, The Marquess of HARTINGTON, Colonel NORTH, Colonel WILSON PATTEN, General PERL, Mr. O'REILLY, Sir CHARLES RUSSELL, Mr. TREVELYAN, Sir JOHN TROLLOPE, Captain VIVIAN, Mr. PERCY WYNDHAM, and Lord HOTHAM:—Power to send for persons, papers, and records; Five to be the quorum.

AGRICULTURAL CHILDREN'S EDUCATION BILL.—LEAVE.

Mr. FAWCETT, in moving for leave to introduce a Bill to provide for the Edu-

Sir John Pakington

cation of Children employed in Agriculture, said, there had been a discussion in the House on the necessity for extending the application of the Factory Acts to agriculture, and the subject of so extending the operation of the Factory Acts and the Hours of Labour Regulation had been referred to a Select Committee. He wished to get the Bill, for which he now moved, read a second time and referred to the same Select Committee. He thought many advantages would arise from that course. There were many men upon that Committee who had great experience in agriculture, and who were excellently fitted to consider the provisions of his Bill. It might be said, as the Home Secretary had promised a Commission to inquire into the feasibility of applying the Factory Acts to children employed in agriculture, that it would be better to wait until that Commission had reported; but that would lead to an unfortunate delay in dealing with the subject, and it seemed to him that the Commission and the Select Committee might pursue their labours very well at the same time—especially as they wanted no further information with regard to the state of education in the agricultural districts, as that subject had been exhausted by the remarkably able Report of the Commission on Education of 1861, which was presided over by the late Duke of Newcastle, and what was required was the solution of practical difficulties in the way of the application of the compulsory system which existed in Lancashire and Yorkshire to certain branches of agricultural industry. In the Bill he (Mr. Fawcett) wished to introduce he proposed simply that every child of less than thirteen years of age, employed in agriculture, should be compelled to attend school on alternate days—because in agriculture it was impossible to apply the half-time system. Of course, there might be some difficulties in exceptional cases with regard to children who lived at a great distance from any school. That had been recognised in some of our previous Factory Acts; and therefore he proposed to introduce a provision that in the case of a child living more than three miles from any school it might be excused from attending school on alternate days under certain circumstances. He also proposed a tribunal which should consist of the magistrates sitting in petty sessions who should have the power of temporarily remitting the provisions of the Act for two months in

each year, the time to be selected by the local authorities in the period during which the operation of harvesting was carried on. He gave the same tribunal power in any village with a population exceeding 300, of ordering a school to be built, and supported by a rate which should be levied in proportion to the poor rates which were levied upon property in the parish; and he also gave them generally the power of carrying out the Act. He did not wish to have any elaborate system of instruction, which was always vexatious, and sometimes obnoxious; but he gave any person the power of laying an information before the magistrates against the employer and the parent of any child under thirteen years of age employed in contravention of the provisions of the Act; and where those provisions were proved to have been contravened the magistrates would have power to enforce a fine not exceeding £10 on the employer, and another not exceeding £1 on the parent of the child. An elaborate system of inspection was unnecessary, as he felt convinced that the resident gentry and clergy in each district, who were interested in education, would see that the Act was carried out; and in the end the public feeling in each district would in ninety-nine cases out of a hundred be in favour of the Act. If we wished to compete successfully in agriculture, or other branches of industry with foreign competitors, our only course was to take care that the people by whom the industry was carried on were properly educated, so as to do their work with skill and efficiency. If the House allowed the Bill to be read a second time, he should then move that it be committed to the Select Committee sitting on the Factory Acts.

MR. WALPOLE had no objection, on the part of the Government, to offer to the introduction of the measure; but he thought that if it were referred to the Select Committee on the two other Bills it would impede the labours of that Committee.

MR. NEWDEGATE said, he would not object to the introduction of the Bill, though he must remind the House that it contained some very stringent provisions, amounting in fact almost to a compulsory system of education, as well as a compulsory erection of schools out of the rates. It was well the House should remember that this was an entirely novel principle altogether alien to our system of legislation; and he did not think that such pro-

positions would be acceptable to the people of this country.

Motion agreed to.

Bill to provide for the Education of Children employed in Agriculture, *ordered* to be brought in by MR. FAWCETT, MR. ARTHUR PEEL, and MR. TREVELYAN.

LANDED PROPERTY IMPROVEMENT AND LEASING (IRELAND) BILL.

LEAVE. FIRST READING.

MR. PIM, in moving for leave to bring in a Bill to facilitate the Improvement of Landed Property by extending the powers of Limited Owners of Land in Ireland, said, that the principle of his measure was the same as that introduced a short time ago by the Chief Secretary for Ireland, though it proposed to deal with the question in rather a different way. He hoped the Landed Improvement Bill of the noble Lord would be referred to a Select Committee; and, if so, he should wish to have this Bill also referred to the same Committee. He proposed that the annuities to be charged on the lands of the limited owner on account of his expenditure in improvements should be for periods varying from twenty-one to sixty-one years according to the nature of the improvement. As regarded leasing powers, he did not propose to give any notice to the successor. There was no occasion for any such intervention, which must be unpleasant to the landlord, and tend greatly to prevent the working of the Act. His Bill was founded to a considerable extent on the Montgomery Act of 1769, which had been very useful in Scotland, and to which many persons attributed a great portion of the prosperity of that country.

Motion agreed to.

Bill to facilitate the Improvement of Landed Property by extending the powers of Limited Owners of Land in Ireland, *ordered* to be brought in by MR. PIM, MR. LEADER, and MR. BLAKE.

Bill *presented*, and read the first time. [Bill 150.]

RECORDS (IRELAND) BILL.

LEAVE.

LORD NAAS, in moving for leave to bring in a Bill to provide for keeping safely the Public Records of Ireland, said, the necessity for a Record Office in Ireland had been felt for a great many years, and so far back as 1739 a Resolution was passed by the Irish House of Commons in favour of the establishment of a general

Record Office in Dublin. Nothing, however, had been done until a Commission was appointed by the late Government to inquire into the state of the public Records in Ireland. In consequence of the Report of that Commission a public Record Office had been established at considerable expense in Dublin, and the building, which was large, was now ready for the reception of the documents. Much credit was due to the late Government for the steps they had taken in this subject, and what the House had now to do was to complete the arrangements made by the late Government by establishing in Dublin a department to take charge of these important documents. Mr. Duffus Hardy, the Deputy Keeper of the Records in London, and Mr. Brewer, at the instance of the late Government, undertook the necessary inquiries, and after inspecting all the places in Dublin where these valuable documents are deposited—the Rolls, the Customs' House, the Bermingham Tower, the Prerogative Office, and the Rolls' Offices connected with the Courts of Exchequer, Queen's Bench, and Common Pleas—reported in October, 1864, that all these repositories were unfit for the deposit of these important documents, and insufficient for their proper arrangement. All those offices were crowded to overflowing. The Bill which he was now asking leave to introduce was intended to carry out the recommendations of the Commission. The Bill proposed that all legal documents of the age of twenty years, except those that were in the Bermingham Tower, should be placed in the new Record Office, and that all State papers should be placed in the Bermingham Tower, under the care of Ulster King of Arms, till they were fifty years old; after which, at the discretion of the Government, they also should be placed in the Record Office. Among other provisions the Bill contemplated the appointment of a Deputy Keeper of the Rolls at a salary of £600 a year, rising to £800; the appointment of an Assistant Deputy Keeper and other officers, and the employment, as far as was possible, of all persons at present engaged in the keeping of the records. £200 a year would be added to the salary of the Ulster King of Arms, in consequence of the extra duty which this measure would impose upon him, and the Master of the Rolls was to be *ex officio* at the head of the Department, and all the business of the office would be under his management. The result of this proposal

Lord Naas

would, he believed, provide for the safety of a large mass of valuable documents, and would afford great facilities not only to those engaged in legal pursuits, but also to those collecting materials for historical and literary works. The noble Lord concluded by moving for leave to bring in the Bill.

MR. CHILDERS suggested the advisability of leaving the payment of the officials to be settled by the Department instead of determining the amounts by statute.

Motion agreed to.

Bill to provide for keeping safely the Public Records of Ireland, *ordered* to be brought in by Lord NAAS and Mr. ATTORNEY GENERAL for IRELAND.

ECCLESIASTICAL TITLES ACT REPEAL BILL—[BILL 84.]

(*Mr. MacEvoy, Mr. M'Kenna, Mr. Leader.*)

SECOND READING. ORDER POSTPONED.

Order for Second Reading read.

MR. MACEVOY, in moving that the Bill be now read the second time, said, that on a previous occasion he had been charged with bringing in this measure without consulting any of the Bishops or authorities of his own Church, and that by the course he was pursuing he was throwing obstacles in the way of a more pressing measure being passed, and acting in a manner calculated to injure the interests of the country with which he was connected. He was, at all events, on the present occasion, open to neither of those charges. He had consulted with the Archbishop of Westminster on the subject, and the Motion he now made was made with the approval and sanction of that Prelate. He might also remind the House that the hon. Member for Longford (Mr. O'Reilly) had given notice of an Instruction to the Committee on this Bill considerably extending the scope of the proposal. He thought, therefore, that he was fully justified in assuming that the hon. Member no longer felt any alarm at the extent of the proposal contained in the Bill. He might also state that since the subject was last debated in this House a discussion had taken place "elsewhere," which showed that we were living in more serene times. On that occasion, Lord Derby had said that if any real inconvenience could be shown to press upon the Catholic prelates in this country in consequence of the Ecclesiastical Titles Act, he felt sure that every person would be anxious to remove the cause of that grievance and

inconvenience. Another noble Earl (the Earl of Kimberley), who was remarkable for his strong common sense, said that when he had the misfortune to vote for that Bill he was a young man. Earl Grey also acknowledged that the Bill was a mistake, and said that he would not have voted for it if he had not known that it would have been without any practical result. Earl Granville said—

“Many persons were quite delighted to give that kind of sop to the people of this country, in order that they might have time carefully and seriously to consider the real merits of the question.”

Other noble Lords expressed opinions equally indicating the change that had come over the spirit of the times. The evidence before the House justified him, he believed, in stating that no extraordinary amount of agitation had been exhibited by the country upon this matter. Only twelve petitions, containing 2,000 signatures, had been presented in reference to this matter; while on a Gas Bill, which affected the interests of a portion of the metropolis, there were as many as 3,000 petitions presented, signed by 45,000 persons. He understood that the Government, recollecting what Lord Derby had said upon the subject, and having fully considered the question, were prepared to allow a Select Committee to be appointed to inquire into the practical working of the Act. He had no hesitation in accepting the offer, and proposed to defer the Motion for the second reading until this day fortnight, and on Thursday next to move for the Select Committee, which would also inquire into the working of the 24th section of the Relief Act, 10 *Geo.* IV. He felt sure that when the Report of that Committee was before the House, all who were satisfied of the necessity for getting rid of that most obnoxious Act would join with him in urging its repeal. He concluded by moving that the Order for the second reading be postponed until that day fortnight.

MR. NEWDEGATE: Sir, the course of proceeding in reference to this Bill having taken such an unexpected turn, I cannot now move the Amendment of which I have given notice—that the Bill be read a second time this day six months. No one can look around him upon the empty state of these Benches at the present moment and suppose that this is the sort of House in which the great and important questions which are involved in the Bill can be fairly

discussed. I must say that there appears to be a carelessness and indifference with respect to the subject of this Bill on the part of the Government and of the Members of this House, especially the Conservative Members, which is not creditable, which is unworthy of the House. The proposal to refer the question to a Select Committee may be excused on the score of the ignorance that has supervened during the last sixteen years with respect to the premises upon which the Ecclesiastical Titles Act was founded. I know that the utmost pains have been taken on the part of the supporters of the Papal pretensions to confuse public opinion upon the subject. I shall therefore, notwithstanding the absence of the great majority of the House, re-state some of the grounds upon which Parliament founded this Act. I feel that it is my duty to remind the House of the expressions used by Her Majesty in her Speech from the Throne on the 4th of February, 1851, in referring to the then recent Papal aggression, and calling upon Parliament to legislate on the subject. I will read a short extract from Her Majesty's Speech—

“The recent assumption of certain ecclesiastical titles, conferred by a foreign Power, has excited strong feelings in this country, and large bodies of my subjects have presented addresses to me, expressing attachment to the Throne, and praying that such assumptions should be resisted. I have assured them of my resolution to maintain the rights of my Crown and the independence of the nation against all encroachment, from whatever quarter it may proceed. I have, at the same time, expressed my sincere desire and firm determination, under God's blessing, to maintain unimpaired the religious liberty which is so justly prized by the people of this country.”—[3 *Hansard*, cxiv. 4.]

Now, I should not have thought a few years ago, that the House of Commons would ever consent to refer such a subject as Her Majesty described in the few words I have just read to a Select Committee upstairs. I certainly should not have expected this. At the same time it would be idle for me, in the present state of the House, to resist the proposal. I see the possibility of advantage from this course being taken. For I know that dense ignorance prevails with regard to the merits of the question. [Sir GEORGE BOWYER: Hear, hear!] Yes, Sir, I repeat it, a dense ignorance. In the first place, I believe very few Members of this House have ever taken the trouble to read the Act which the Bill proposes to repeal, and that still fewer of those Members who have been

elected to this House since the year 1851, have taken the trouble to read the debates which were then carried on in this and the other House of Parliament on this subject. With the permission of the House, I will read another extract, and it is from the letter which was written by Lord John Russell to the Bishop of Durham. [*An ironical cheer and laughter from Irish Members.*] I quite understand that laugh of the hon. Baronet the Member for Dundalk. Well, Sir, this letter was dated the 4th of November, 1850, and in it Lord Russell said—

“It is impossible to confound the recent measures of the Pope with the division of Scotland into dioceses by the Episcopal Church, or the arrangement of districts in England by the Wesleyan Conference. There is an assumption of power in all the documents which have come from Rome—a pretension to supremacy over England, and a claim to sole and undivided sway, which is inconsistent with the Queen’s supremacy, with the rights of our Bishops and clergy, and with the spiritual independence of the nation, as asserted even in Roman Catholic times. I confess, however, that my alarm is not equal to my indignation.”

There was a warm response to that appeal on the part of the country, and the Act which we are now asked to refer to a select Committee was the reply to the agitation which ensued. But there is yet another extract which I should like to read to the House. The hon. Member for Meath has referred to the authority of some Peers upon this subject. Permit me to take this opportunity of referring to the opinion of one Peer, of stating the opinion of the late Duke of Wellington, respecting the necessity for the Act which the House is asked to repeal. In the debate that took place in the House of Lords on the second reading of the Ecclesiastical Titles Assumption Bill, the Duke of Wellington said that he had been a party to proposing the passing of the Roman Catholic Relief Act—that the object of that Act was to remove all political restrictions which were enacted against Roman Catholics after the Reformation, at the time of the Popish Plot, and in consequence of the Popish reign of James II., and of the War of Succession in Ireland; but, to do this without tampering with the laws on which the Reformation was founded. The illustrious Duke used these expressions—

“We have had a good deal of experience of the effect produced in Ireland by measures passed by the Legislature. There was the Relief Act. A great deal was expected from that, and it was

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said that it would put an end to agitation in Ireland for ever. But in the very year—nay, I believe, almost in the very month in which it became the law of the land—Irish agitation recommenced. How often since then has the Crown from time to time had occasion to complain of agitation in Ireland? How often has the Crown come to Parliament to demand additional powers for the purpose of putting down the agitation, or worse than agitation, existing in that country, the Relief Act notwithstanding? My advice to your Lordships is to do that which is just and necessary to maintain the power and prerogatives of the Crown, and to protect the subjects of this country, and no more; and you may rely on it you will have the support and good wishes of the loyal people of Ireland as well as of this country. Having the misfortune on this occasion to differ from my noble Friend the noble Earl (the Earl of Aberdeen), who addressed your Lordships second in the debate, I felt it necessary to trouble you with these few words to show on what grounds I intend to support the Motion for the second reading of this Bill.”—[3 *Hansard*, cxviii. 1116.]

It seems, Sir, to be perfectly obvious that it is intended that the Act contemplated by this Bill shall be dealt with in the same mode as those penal Acts to repeal which the Relief Act was passed; and it is hoped the Committee will devise some means by which a termination of agitation on this and similar subjects may be brought about. I remember that the same hope was held out with respect to the passing of the Maynooth Act. But what was the fact? Why, that agitation increased tenfold, and that agrarian outrages in Ireland doubled during the next two years—the years 1846 and 1847. I am quite convinced that the majority of the people in this country are labouring under a deep delusion. They cannot bring their minds to believe that Dr. Manning and Cardinal Cullen, both high Roman Catholic ecclesiastics, will perpetuate agitation, no matter what concessions are made to them short of granting the supremacy of their Church—the supremacy of Rome in the United Kingdom. That is what honest Englishmen cannot bring their minds to believe, although they have had proof of it over and over again, and have found themselves constantly deceived. What was the reason for passing of this Ecclesiastical Titles Act? What was it that caused the aggression of which the nation complained? Why, the immediate cause of the aggression in 1850 was that in the year 1846 Parliament swept away the penalties which enforced the legal provisions left us by our Catholic ancestors in restraint of the introduction into this country of Papal bulls and Papal agents. In that year this House was in the same state of careless

Liberalism that it presents at this moment. And what was the result? We swept away some of the enactments and many of the penalties which our Roman Catholic ancestors had found necessary to meet the aggressions of the head of their own Church, aggressions the nature of which is so correctly described in the extracts which I have read from the Queen's Speech, and from the letter of Lord John Russell, and in the extract which I have also read from the speech of the Duke of Wellington. It is a difficult matter to persuade the English people of these facts. They think themselves to be uncharitable if they admit or enunciate the truth in this matter. And they proceed, from a feeling of honest benevolence, in a course which entails the constant renewal of agitation and the periodical renewal of those safeguards which our ancestors found to be necessary in order to secure the independence of the national religion and of the Government of this country. I lament that Her Majesty's Ministers should have adopted the course they have announced, unless it is upon the conviction that nothing but an inquiry by a Select Committee, or an inquiry of some kind, will break through the state of delusion into which the people of this country appear again to have fallen upon these subjects. Whether we look back to the history of our own country, or whether we examine the modern history of the nations around us, who are equally opposed with ourselves to this system of Papal agitation and aggression, some such enactment as that before the House is evidently necessary. Let any man read the documents which have lately been laid on the table of this House, giving an account of the reasons which compelled the Emperor of Russia to break off relations with Rome. What was the demand of the Papacy in that instance? Why, that a Nuncio from the Papal Government should be received at the Court of St. Petersburg. [Sir GEORGE BOWYER: No!] Sir, the document is on the table of the House, and I hold a copy of it in my hand, and the interruption of the hon. Baronet the Member for Dundalk appears to me unseemly. What is the substance of this document? That the Emperor of Russia expressed his anxiety that a Nuncio should reside at St. Petersburg. Will the hon. Baronet deny that? And the Emperor adds this—that the terms upon which he is willing to receive the Nuncio at St.

Petersburg are the same as those on which the accredited agents of the Papacy are received in France. I do not like to trouble the House with reading long extracts, but I hold the document in my hand. The Papacy refused these terms; and the consequence was that the Nuncio was never sent to St. Petersburg. But there is yet another reason for this rupture of the relations between Russia and the Papacy. It was at that very time, while these negotiations were pending, the Papacy was engaged in secretly fomenting a rebellion in Poland. Owing to the unanimity of the expression of public opinion which is embodied in the Ecclesiastical Titles Act, it has been talked of by Gentlemen opposite as the product of a sudden ebullition of Protestant fanaticism. Let me re-call the circumstances connected with the passing of this measure to the recollection of the House. The Papal brief which constituted the aggression was issued on the 29th of September, 1850. During the month of October it became known in this country, and on the 4th of November following Lord Russell, the then Prime Minister, wrote the letter from which I have quoted. From that time to the beginning of February, 1851, when Parliament met, this subject was canvassed, not by a Select Committee of this House, but by the Universities and all the learned bodies of the kingdom, and they laid the result of their investigations at the foot of the Throne. This measure was recommended from the Throne as the result of these investigations. In its passage through Parliament I never knew a measure that was more ably or keenly disputed. It was introduced early in the month of February, 1851; it did not pass the third reading in the House of Lords until the 29th of July, and it did not receive the Royal assent until the 1st of August. This Act, then, was the result of great deliberation, commencing with the learned bodies of the country and the public generally, afterwards conducted in debate through the two Houses of Parliament. From that day to this no prosecution has taken place under the provisions of this Act. Not a single person has been prosecuted under the enactment. Why, then, I ask, is its repeal demanded? I will tell you why. It is because in the recitals of that Act are embodied references to the provisions of the ancient laws, which, ever since the Conquest—aye, and even before the Conquest—have been found essential

for the maintenance of the national independence, for the maintenance of the independence of the Crown, and for the maintenance of the freedom of this country from that system of aggressive tyranny which has always marked the conduct of the Court of Rome in every country that has been under its sway or accessible to its agency. If the House is now inclined to grant an investigation, let me remind you of part of the subjects investigated in 1851. In the Library of this House you will find documents which describe the restrictions against Papal aggression that were found to be necessary, and were in existence in every country on the Continent at that period. And not only have these restrictions been since retained, but in Italy in particular their force has been greatly strengthened, and stronger measures have been adopted. Moreover, at this moment, in the French Empire—in France, a Roman Catholic country—restrictions exist upon the exercise of the Papal power there, which are fully equivalent, though in their nature different, to those contained in the Act, which we are asked to repeal. It was my intention to have moved the rejection of this Bill, but seeing the course which the Government have determined upon pursuing in the present empty state of these Benches, I will not attempt to take the opinion of this skeleton of the House. I only trust that the investigations of the Committee will be wide enough, will embrace the subjects to which I have referred, and be extended fully to the question in what respect the measure, which is now condemned, is either oppressive, or, considering that this is a Protestant country, is unfitted to be maintained as a safeguard against the continued Papal aggressions, to which we are exposed.

SIR GEORGE BOWYER rose to address the House, when—

MR. SPEAKER said, he would take the liberty of reminding the House that this was not the proper occasion for discussing the Bill upon its merits. The discussion should more properly take place upon the Motion, "That the Bill be now read the second time." That Motion had not been made that evening. On the contrary, the hon. Gentleman who had charge of the Bill stated that his intention was to put off the Bill for a fortnight; and in the meantime a Committee is to be appointed to inquire into the working of the Act involved in the Bill. On the Motion

Mr. Newdegate

for the appointment of the Committee the question as to the propriety of referring the question to a Committee may be properly discussed; and on the Motion for the second reading of the Bill an opportunity will be afforded for discussing the merits of the Bill. The question now was simply the postponement of the Motion for the second reading. He therefore took leave to invite the House not to enter into the discussion of the measure itself.

MR. WHALLEY said, with the utmost deference to the opinion of the Speaker, he wished to explain the reasons which urged him to address some observations to the House.

MR. SPEAKER: I have already stated that it is not according to Parliamentary practice to enter upon a discussion under such circumstances as the present.

MR. WHALLEY said, it was not consistent with his sense of duty to lose any opportunity of calling public attention to the general character of those attempts to alter, as it appeared to him, the fundamental constitution of the House—[*Loud cries of "Order!"*]

MR. O'REILLY rose to order, and submitted that the question was that the Motion for the second reading of the Bill be postponed to that day fortnight.

MR. SPEAKER: The hon. Member who has introduced this Bill gave some reasons for the course he was pursuing; and the hon. Member for North Warwickshire had also some reason for addressing the House, inasmuch as he had given notice of an Amendment on the Motion for the second reading of the Bill, though in doing so he perhaps entered into a discussion rather beyond what the ordinary rules of this House justified. But I strongly advise the House to consider the present position of the question.

MR. NEWDEGATE hoped he had not travelled beyond the ordinary rules. He certainly had not done so intentionally, for he had given formal notice of an Amendment that the Bill be read a second time that day six months.

LORD NAAS hoped the hon. Member for Peterborough (Mr. Whalley) would yield to the suggestion made by the highest authority in that House. Numberless opportunities for discussion were sure to present themselves hereafter.

MR. WHALLEY entertained profound respect for any observation falling from the Chair; but had not understood the Speaker to prescribe any rule of debate compelling

him to forego his privilege of speech. Dr. Manning had over and over again declared—"Order, order!"

SIR GEORGE BOWYER hoped that the hon. Member would not be allowed to proceed. He himself had resumed his seat as soon as the Speaker intimated that there was anything irregular in continuing the discussion.

MR. WHALLEY said he should only detain the House a few moments. It was notorious that in violation of the law Roman Catholic prelates—"Order, order!"

MR. COGAN rose to order. The decision of the Speaker had prevented the hon. Baronet the Member for Dundalk (Sir George Bowyer) from being heard, and it should now equally prevent the hon. Member for Peterborough from persisting in his present course.

MR. SPEAKER: The hon. Member for Dundalk has described his position differently and more correctly than the hon. Member who has last spoken. I suggested to the House that under the circumstances it would be extremely inexpedient to enter on the merits of the Bill when it was a mere question of the day to which the further progress of the measure should be adjourned. I am obliged to the hon. and learned Member for Dundalk for the manner in which he acquiesced in that suggestion. I have not said that I have power or authority to forbid any observations on the question that this postponement should be agreed to; but I am sure the hon. Member himself (Mr. Whalley) will see that the whole feeling of the House is entirely in accordance with the suggestion which I made.

MR. WHALLEY said, he had no desire to place himself in opposition to the feelings of the House, and if the House would only allow him to proceed they would find he had some grounds for endeavouring to press his observation on their attention. Dr. Manning had constantly stated that the Act placed him and other Roman Catholic prelates in a position of constantly violating and disregarding the law of the country, which was in accordance with their views of their interests—that of giving a practical illustration of their supremacy over the authority of that House. That fact had been made use of in reference to the Fenian movement. So long as this law was allowed to be violated by the Roman Catholic prelates, it would be useless to attempt to enforce the laws against

Dr. Manning's followers. Let the law be repealed, or give it practical effect.

Motion agreed to.

Second Reading deferred till Tuesday, 28th May.

TRANSUBSTANTIATION, &c., DECLARATION ABOLITION BILL—[BILL 6.]

(*Sir Colman O'Loughlen, Mr. Cogan, Sir John Gray.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. NEWDEGATE reminded the House that there had been but one division taken upon this Bill. The reason assigned for the repeal of this declaration was that its terms were offensive. In order to obviate that he had proposed an Amendment embodying two articles of our religion which did not contain a single offensive word, but which comprehended the substance of this declaration. The Amendment was rejected, and it was perfectly clear that the object of the Bill was not merely to get rid of any offensive terms, but to forbid any officer of the State from making the declaration or one equivalent to it under the Act of Settlement which the Sovereign of this country was compelled on his or her coronation to make; and if the House of Lords passed the Bill the Sovereign would be called upon to make a declaration which Parliament had declared to be unfit to be taken by any officer of State. The declaration was a declaration of adhesion to the Protestant faith; and if the Bill passed in its present form it was perfectly obvious that the Act of Settlement would be very soon assailed, and they would lose the safeguard of having a Sovereign who declared himself or herself of the religion professed by the majority of the people.

MR. WHALLEY pointed to the empty state of the Treasury Bench as an indication of the feeling of Her Majesty's Government and the House with regard to this question. He urged that the Government had abdicated its functions with regard to these matters, and he asked whether it was not time, now that they had reversed their policy, that some other means should be taken similar to those adopted by Roman Catholic countries for

dealing with the pestilent power of the Papacy. England was the only country in the world where six young ladies who had escaped from a convent would be allowed to be kidnapped and sent back as soon as possible.

Motion agreed to.

Bill read the third time, and *passed*.

COMMONS INCLOSURE ACT AMENDMENT BILL.

On Motion of Mr. NEATE, Bill to amend the forty-ninth and ninety-third sections of the General Inclosure Act of the eighth and ninth Victoria, chapter one hundred and eighteen, *ordered* to be brought in by Mr. NEATE and Mr. POLLARD-URQUHART.

Bill *presented*, and read the first time. [Bill 151.]

HOUSES OF PARLIAMENT AND NATIONAL GALLERY ENLARGEMENT BILLS.

Select Committee on the Houses of Parliament Bill and the National Gallery Enlargement Bill *nominated* :—Lord JOHN MANNERS, Mr. WILLIAM COWPER, Mr. BERESFORD HOPE, Mr. BAILLIE COCHRANE, Mr. DALGLISH, Captain GROSVENOR, and Five Members to be nominated by the Committee of Selection :—Five to be the quorum.

FACTORY ACTS EXTENSION AND HOURS OF LABOUR REGULATION BILLS.

Ordered, That the Select Committee on the Factory Acts Extension Bill and Hours of Labour Regulation Bill do consist of eighteen Members :—Mr. JOHN BENJAMIN SMITH added to the Committee.

House adjourned at Nine o'clock.

HOUSE OF COMMONS,

Wednesday May 15, 1867.

MINUTES.]—SELECT COMMITTEE—On Factory Acts Extension and Hours of Labour Regulation, Mr. Samuelson *added*.

PUBLIC BILLS—*First Reading*—Agricultural Children's Education * [152]; Lis Pendens * (Lords) [153]; Judges' Chambers (Despatch of Business) * [154]; Vice Admiralty Courts Act Amendment * [155]; Blackwater Bridge * [156]; Public Records (Ireland) * [157].

Second Reading—Sunday Trading [34]; County Treasurer (Ireland) * [91].

Referred to Select Committee—Sea Coast Fisheries (Ireland) [50].

Committee—Sale of Land by Auction (*re-comm.*) (Lords) [94] [R.P.]

Considered as amended—Labouring Classes Dwellings Acts (1866) Amendment * [118].

Withdrawn—Grand Juries (Ireland) [73].

Mr. Whalley

SUNDAY TRADING BILL—[BILL 34.]
(*Mr. Thomas Hughes, Lord Claud Hamilton, Sir Brook Bridges.*)

SECOND READING.

Order for Second Reading read.

MR. THOMAS HUGHES, in moving that the Bill be now read the second time, said, that he hoped to be able to remove any misunderstanding which might exist as to the nature and objects of the measure. He proposed first to call the attention of the House shortly to the law as it now stood in reference to this subject. The first statute relating to it was one made in the reign of Henry VI., which, as did the present Bill, dealt with the Lord's Day as a purely civil institution. It enacted that no fairs should be held on Sunday, except upon four Sundays in harvest time; but the sale of necessary victuals was excepted from the operation of the Act. The present Bill was one in principle with the statute of Henry VI. The next statute which he need refer to was passed in the first year of Charles I.; but the principle of this enactment was altogether objectionable, because it was directed entirely to enforcing the observance of Sunday as a religious and not as a civil institution. The object sought was to enforce religious worship of a certain kind; and to make men religious by penal enactments—a criticism to which the Bill now before the House was not in any way obnoxious. The statute enacted that persons should not assemble in crowds out of their own parish, on Sunday, to attend sports and pastimes, and that even if in their own parishes they should attend certain kinds of sports such as bull and bear baiting on Sunday they should be liable to penalties to be imposed by the ecclesiastical tribunals. The next statute was that passed in the 27th year of Charles II.—the Act which was at present in force, and which was open to the same objection as that framed in the reign of his Father. Its provisions were absolute and stringent. It forbade all trading of whatever kind on Sunday; with these exceptions, that cooked provisions might be sold in inns, and milk might be sold before nine in the morning and after four in the afternoon. By a subsequent law it was provided that mackerel might be sold on the Lord's Day; and by 7 Will. IV. c. 37, arrangements were made in reference to the baking trade, and it was enacted that no sale of bread should

be allowed after half past one on Sunday. Since this statute there had been no alteration in reference to Sunday legislation, with the exception of two statutes passed in the 12th and 14th of the Queen, one of which enacted that certain warrants might be issued on Sunday, and the other repealed the exception in the statute of Henry VI. as to the four Sundays in harvest time; so that the holding of fairs on any Sunday was now illegal. The consequence was that Sunday trading now came entirely under the provisions of the Act of Charles II., and was nominally, therefore, absolutely illegal. He would now refer the House to one or two authorities upon this subject, which they were likely to respect. Adam Smith said that the Sunday was an institution of inestimable value, apart from all claim to its Divine authority; and Lord Macaulay, in many passages throughout his works, insisted very strongly on the same principle. He submitted to the House that the subject was one which was now perfectly ripe for legislation. In 1832 and 1847 Committees of the House of Commons sat in reference to the question, and in 1850 there was a Committee of the Lords. The result was three great "blue books," in all of which the great increase of Sunday trading of late years was fully recognised. The Report of the Committee of 1847 stated that Sunday trading was carried on to a great extent, and that in many parts it had been on the increase for several years past. The Committee further stated that they had no hesitation in expressing their conviction of the injurious effect of Sunday trading; that there were 5,000 tradesmen and 15,000 assistants in London who were thereby deprived of their day of rest. They found also that the majority of traders earnestly desired to discontinue Sunday trading—and this feeling was much more general now than it was then. The Committee, in conclusion, felt called upon to recommend the introduction of measures to more effectually prevent public marketing and open exposure of goods for sale on Sunday. A minority of the Committee agreed to a separate Report, in which they said that they thought they would be justified in recommending a Bill founded upon these general principles—that no goods should be exposed for sale in any shop; that no goods should be allowed to be sold except those which were absolutely necessary for the public convenience, or such as were of a perishable nature; that no shop

should be allowed to be open after certain hours; and that penalties should be cumulative after the third offence. These principles were, in fact, almost those of the present Bill. He would now state some facts illustrative of the present state of things in Lambeth. In February 1857, on a certain Sunday, persons who were interested in the matter went into certain districts in that borough, and visited 1,684 shops. Of these, 1,034 were open for the sale of goods, and only 650 were closed. The state of things was now very much worse than it was ten years ago, and in certain parts of Lambeth the grievance had become absolutely intolerable. It was computed that not less than 10,000 persons were engaged in selling in Lambeth every Sunday morning; and he spoke without hesitation when he said that to nine-tenths at least of the persons who were engaged in this traffic the passing of this measure would be welcomed. There was overwhelming evidence to show that the persons employed in selling goods on Sunday in the metropolitan districts were not less than 80,000 in number, and some estimates placed the number as high as 100,000. In order to show how utterly futile it was to attempt anything in the present state of the law, he would state what had been done in Lambeth to abate the nuisance that at present existed. Some years ago 200 tradesmen applied to the parish officers to have the Act of Charles II. put in force, and the parish officers were quite ready to do this to the best of their ability. These tradesmen accordingly went on Sundays with the parish officers to various places, and gave notice to the persons trading that they were acting contrary to law, and would be proceeded against. This was done for three successive Sundays; and after that no less than 800 summonses were issued against those who had received notice. As many as 700 of them said that they were quite ready to close on Sunday if others did the same, and they expressed their desire that all shops should be closed. The parish officers proceeded against the remainder who were contumacious; and what was the consequence? In many cases the parties refused to attend in answer to the summons; and, the justices, on looking into the law, found that the only thing that they could do was in the first instance to issue warrants against the goods which had been exposed for sale. But the warrants when issued were found

to be in most cases utterly useless, for the goods were almost all of a perishable nature, and had been consumed in the course of the previous day. Fines were then imposed; but the only fine that it was possible to impose under the statute was one of 5s. for a whole day's trading; and a good many of the offenders said, "Will you take three months or six months fines in advance, and let us have done with it?" He put it to the House whether this state of things should be allowed to continue. If it were right that there should be absolute freedom in reference to Sunday trading, then of course the existing statute should be swept away; but if the House thought that this would be a bad state of things, then let them consider what regulations should be laid down, and enforce them by proper fines which could be easily enforceable. As it was the law was held in contempt by three shopmen out of four in Lambeth. He asked the House to listen to the opinion of Earl Russell, as expressed in a debate in the House of Lords last year. In speaking of the increase of Sunday trading his Lordship said—

"There is some reason to fear that this will go on until the question of buying and selling on Sunday is looked upon as a matter beyond legislative interposition, and it will be supposed that the law allows both buying and selling on Sunday just as on any other day, and the nation may lose Sunday as a civil institution."—[3 *Hansard*, clxxxiii. 1042.] He (Mr. Hughes) entirely concurred in this opinion, and he believed that if the present state of things were allowed to go on a few years longer it would be impossible to interfere, and the country would have suffered a great and grievous loss. The opposition to this Bill came from two quarters. In the first place, it came chiefly from those who said, "You have no right to legalize any trade whatever on Sunday, and we will not have any such system because it is against the law of God." He could not understand how Gentlemen holding these opinions could look with the slightest favour upon the present state of things, or how they could refuse to try to check Sunday trading, because they were unable to enforce the fourth commandment in its fulness. Would they say that because the House could not enforce the whole Decalogue *verbatim et literatim* by means of legislation that they should therefore abstain from all legislation on any subject within the scope of the Commandments? Would they then be consistent, and say that because there were many ways of taking your neighbour's property

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which the House could not interfere with, that therefore they should abolish the law against petty larceny; and because all ways of speaking evil of your neighbour could not be forbidden by law, that therefore the law of libel should be done away with? He believed that it would not be possible, by legislative interference, altogether to put down Sunday trading by law; and further, that it would work great injustice to attempt to do so, because the homes of a great portion of the people in large cities were in such a condition that it was impossible to keep perishable articles in them for twenty-four hours. Then it was said that if the tradespeople were in earnest they could do for themselves that which they professed to desire, and therefore no legislation was necessary on the subject. They had endeavoured to do it for themselves, and had broken down. A great many shops had been shut by mutual agreement; but in consequence of a certain number holding out, and excessive competition, it was impossible to succeed in that way. Then there was the stock objection raised—that this was an attempt to make people religious by Act of Parliament. But he must say that it was nothing of the kind. He had no belief in the possibility, or in the desirability of attempting to make people religious by Act of Parliament. His own opinion was that the day of rest should be used as a day of worship, that, in fact, without worship there could be no true rest, and he hoped by this Bill to give people an opportunity of so using the day. But there he stopped. He agreed that every man should use his Sunday in the way which he thought most beneficial to himself; but if a man misused the day he proposed to insure to him by lying on his back all day, or by drinking beer, that was his own affair; he would pity such a man, but not interfere with him by law. It was further objected that the clauses which gave the police power to enforce the law were left out of this Bill, and that therefore the provisions of the Bill could not be carried out. He could only say that he had taken the best evidence procurable upon the subject, and he had come to the conclusion that if in any district a number of persons were desirous to put the Bill in force there would be no difficulty in their doing so through the agency of the parish officers. He therefore thought that it would be better to leave out the police clauses, but if the House thought differently the matter could be arranged in Committee. He would now

say a few words as to the exceptions in the Bill. The House would see that by the Bill all goods were divided into three classes. There were certain articles, the sale of which was not permitted at all ; there were certain perishable articles that might be sold up to nine o'clock in the morning. The hours could, of course, be considered in Committee, and fixed in accordance with the best judgment of hon. Members. Some thought the poor might like to lie in bed later than would allow of their making purchases before nine ; but that objection did not come from the persons more immediately concerned ; and there was a third class of cooked articles, the sale of which was permitted until ten o'clock, and again after church time. Considering that special legislation with respect to public-houses had been promised, his Bill did not affect them ; it dealt only with ordinary tradesmen, and he believed the Home Secretary was in possession of evidence which clearly showed that the time had come for legislation both upon the part of the tradesmen and poor of the metropolis. If any hon. Member doubted whether the time had come he invited him to make a tour of the Sunday markets, which he was sure would convince him.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Thomas Hughes.*)

MR. FRESHFIELD avowed himself to be entirely opposed to the principles and the provisions of the Bill, which was one in effect to repeal the Act of the 27th Charles II., which enacted that no tradesman, artificer, workman, or labourer should exercise his labour or ordinary calling upon the Lord's Day, except as regarded works of necessity or of charity. That Act had been passed when the country was not in an especially moral condition, and if it was found not sufficiently prohibitory, and if a Bill were introduced to enable it to be more easily and effectually enforced, he would support it. As it was, he thought it was a measure in an entirely wrong direction. The disposition evinced during the last few years was one rather to decrease than to increase Sunday labour ; in proof of which he need only refer to the early closing of shops on the Saturday and the resolution adopted by trading establishments generally to pay their workmen's wages on Friday or early on Saturday morning. He was told that even Her Majesty had made arrangements by

which nothing was delivered at the Palace on Sunday. There might be grounds for special legislation in reference to the hon. Gentleman's constituency, but the whole law of the country ought not to be altered to meet a particular case. But he objected to this Bill further because he thought it was one which he might call a wolf in sheep's clothing. Its title was most equivocal. Characterized truly, he thought it might be called a Bill for the licensing of public trading on the Sunday. It began by reciting that the practice of Sunday trading prevailed extensively in many parts of England, and that the law was insufficient to prevent it. It would have been supposed from those words that it was intended to prevent Sunday trading. The whole tenor of the Bill was, on the contrary, to promote it. Its great force lay in the exceptions which authorized meat, fish, poultry, game, and vegetables to be freely sold up to nine o'clock in the morning. It further authorized the sale of pastry and fruit up to the hour of ten o'clock a.m., and after one o'clock p.m. on the Sunday. But the worst exception in his mind was the authority which it gave for the sale of periodical publications up to ten o'clock a.m. That was the most objectionable portion of the Bill. There could be no reason whatever for allowing what were called Sunday papers to be sold on the Sabbath, inasmuch as they could be all purchased on the Saturday night. He had received a great number of communications on the subject of this Bill, one of which was signed by upwards of 1,000 of his constituents at Dover, setting forth the strongest objections to this measure, one of which was that the Bill sanctioned the principle of doing evil that good might come—a principle than which there could be nothing more injurious or more adverse to the morals or well-being of society. The Bill had for its object to license that which was at present illegal. The nation, he believed, was desirous of keeping the Sunday holy ; at all events, to take the lowest ground, it was desirous to preserve the observance of the Sabbath as a valuable civil institution. If the hon. Gentleman would devote his attention to rendering the existing law more efficient for its purposes, he (Mr. Freshfield) would be happy to go along with him ; but he could not consent to a Bill to alter a law which he thought was desirable on social as well as on religious grounds, and of which he

trusted the House would not allow any infringement. Under all the circumstances of the case, and for the reasons he had given, he should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Freshfield.*)

MR. POWELL said, he considered this as one of those questions with which it was very difficult and embarrassing to deal. There were conflicting opinions as to the advisability of legislating upon this subject. For example, the Earl of Shaftesbury, speaking on behalf of the poorer class last year, expressed himself decidedly adverse to a proposal similar to that contained in the present Bill. On the other hand, in 1860, when a measure of the kind was introduced in the other House, the Earl of Derby supported the principle, remarking that it was a Bill not to compel a religious observance of the Sabbath, but to deliver a large number of tradesmen in this country from a species of slavery. The mischief, then, being admitted, the difficulty arose as to the proper remedy. The spirit and letter of the Act of Charles II. appeared comprehensive enough; but that law broke down in consequence of the inefficiency of the remedy proposed against its violation; it therefore stood on the statute book rather as a Royal Proclamation against vice and immorality, such as was read at assize courts and courts of quarter sessions, than as a law that could be practically carried out under all circumstances. He did not think there was much force in the objection that the exceptions in the proposed Bill were so numerous as to justify the assertion that it was a Bill to sanction Sunday trading, and he entertained the hope that by a slight alteration of the language of the preamble of the Bill, it would become obvious that the Bill was not intended to license but rather to restrict Sunday trading. As to the questions of detail, these could be satisfactorily solved when the Bill went into Committee. It appeared, however, to him, that nine o'clock a.m. was not a sufficiently late hour for the sale of perishable articles, and he was afraid it would be necessary to extend the time for the sale of certain articles of necessity. Reference had been made to the sale of periodicals on the Sunday; but he would remind the House of the sale of

Mr. Freshfield

Prayer Books, Bibles, tracts, and other works of devotion in the Sunday schools generally, so that any provision to prohibit the former might be made injuriously to apply to the latter also. He knew an estimable clergyman who complained that the religious services of his church were greatly interfered with by a kind of fair which was held every Sunday morning in the neighbourhood. The church referred to was in a parish of the borough represented by the hon. Member who moved the second reading. He doubted whether it would be possible to limit the Bill to the metropolis, for he believed the exceptions would be taken in the country districts as licensing a particular trade. There was undoubtedly abundant evidence of a remedy being required against such evils. He trusted that such improvements might be adopted in the measure when it went into Committee as to afford him the utmost satisfaction in supporting the third reading.

SIR BROOK BRIDGES said, as his name stood on the back of the Bill he was anxious to give his reason for supporting it. All were aware of the enormous evil existing in the desecration of the Sabbath by the hawking of goods through the metropolis on Sundays, and he was ready to give his support to a Bill which proposed to remedy that evil. This measure proposed to carry out two great principles—first, it directly declared against Sunday trading; secondly, it asserted that there were certain articles, and a certain period of time in respect to their sale, excepted from the operation of the Bill. The recognition of the first principle formed the reason for his supporting the second reading. As to the exceptions, he confessed they appeared to him to be too wide, and to run somewhat counter to the principle that works of piety, necessity, and charity only were to be sanctioned on the Sabbath. He thought, however, that no Bill could be acceptable that did not consider the difference between the rich and the poor. The rich had all the appliances to enable them to provide for their wants without encroaching upon the sacredness of the Sabbath. The poor, on the contrary, confined sometimes to the use of a single room, could not possibly provide themselves with the necessary food they required until Sunday morning. He thought, then, that it would be consistent with their notions of the proper observance of the Sabbath, that the poor man should be left at liberty to purchase his Sunday dinner on the Sab-

bath morning; and it appeared to him that nine o'clock a.m. was not too late an hour to give him the opportunity of doing so. As to the sale of pastry, fruit, or beverages, his opinion, he honestly said, was that the sale of those goods should be limited to the Sunday morning, and should not be allowed to resume after one o'clock p.m. The ordinary business of the cook-shop ought to be limited to the same hour. In respect to the sale of periodical publications, there appeared to him to be no reason in the world for allowing it on the Sunday at all. With the modifications which he suggested, and which he hoped would be made in Committee, he thought that the Bill would become a most useful measure.

MR. EVANS said, he should vote for the second reading of the Bill, which, with some modifications, would tend, he believed, to put an end to a state of things in the metropolis that all must deplore. In one of the metropolitan boroughs two-thirds of the shops were opened on the Lord's Day. He would suggest to the hon. Gentleman who moved the second reading the propriety of considering carefully a provision respecting the duties of the police in relation to his measure.

MR. HORSFALL regretted that his hon. Friend (Sir Brook Bridges) should have lent the weight of his name to the Bill. He had no doubt the hon. Gentleman who introduced the Bill had truly represented the state of feeling in the place he represented (Lambeth); but in the borough which he (Mr. Horsfall) represented (Liverpool), he had no hesitation in saying that nine-tenths of the population were opposed to the measure, because they considered it to be in direct opposition to its title—namely, a Bill to amend the law for the sale of goods on the Sunday. The Bill did not amend the law, but it made that legal which was now illegal. If the Bill had been confined to legislating upon works of piety, charity, and necessity, he would support it. There were laws in existence to meet every case alluded to by the hon. Member. The fact was this: what they required was a Bill to enable the constituted authorities to enforce the law as it stood at present. He therefore would support the Amendment that the Bill be read a second time that day six months.

LORD CLAUD HAMILTON said, that the contents of the Bill hardly justified the reproaches which had been showered

upon it. The measure was not conceived in any spirit of dictation or self-righteousness; it was a simple response to the demands of thousands and tens of thousands of tradesmen in the metropolis, respectable fathers of families, who sought to be protected from the obligation, which competition at present imposed upon them, of keeping open their shops upon Sunday, and be thus enabled to enjoy his rest on the Sabbath and to look after the morals and welfare of his children and dependents. This was no attempt to enforce the religious observance of the Sabbath—it was simply a Bill to enable tradesmen to have that day for themselves, and to enable them to exercise their rights as free men without injury to their fortunes or industry. In spite of all their efforts to discourage Sunday trading in their respective neighbourhoods, these men found the evil growing in magnitude, and declared that there was no remedy except in legislation. It might be said, why did they not act upon their own convictions, and set the example of refusing to work? The answer was very simple. If one or two shops in a neighbourhood carried on business upon a Sunday, the rest were compelled to do the same, or else to risk the loss of their custom. Agreements had frequently been entered into by the trades-people of a district for self-protection, and as frequently broken through. Besides, even if they all held to their engagements, there was nothing to prevent a stranger from setting up in the district, which he would all the more readily do if he thought he saw an opening. It was easy for gentlemen possessed of all the comforts and luxuries of this life to criticize the conduct of unfortunate tradesmen who were compelled by circumstances to pursue their ordinary calling on the Sunday as well as the other days of the week. It was said that this Bill licensed Sunday trading. To establish that proposition it must be shown that it took away some protection or prohibition imposed by the existing law.

MR. FRESHFIELD observed, that the exception contemplated by the Bill would in fact legalize the sale of those articles on Sunday.

LORD CLAUD HAMILTON said, that if there were any words in the Bill capable of misapprehension they could be removed in Committee. The Bill was one of protection not of coercion and was founded on the recommendations of Committees of that House which sat in 1832 and 1847. The

House would not be legislating altogether in the dark upon this question, for they had before them the example of the great movement which had taken place in America. Ten years ago theatres and public concerts were permitted to be open on Sundays, and on Sundays there were always an enormous number of committals. At last the good sense of our cousins across the Atlantic revolted at these spectacles; in the face of opposition raised there as here by vested interests, and in spite of the sneers levelled at the notion of "making people religious by Act of Parliament," they persisted, Sunday trading was put down, and the result had been that, whereas formerly the Sunday committals averaged 25 per cent higher than on ordinary days, now the proportions were exactly the reverse. He was surprised to hear the hon. Member for Liverpool (Mr. Horsfall) oppose this Bill. The hon. Gentleman said that if it gave legality to works of piety, charity, and necessity he would support it. What did that observation mean except that the existing law was wholly insufficient for the purpose? The present Bill aimed not at accomplishing everything at once, but at moving in the right direction. There were some earnest advocates of Sunday observance, unfortunately, who pushed a good principle too far and thought that no movement was worth aiding, or taking part in, unless it went to the full extent of their own views. Last year in an extraordinary document issued by a working men's association in reference to the proposal of the present Lord Chancellor to limit the hours during which public-houses might be open on Sunday, it was said—"This paltry portion of the Sabbath his Lordship seems only to consider sacred." The effect of rejecting this moderate measure would be to shut the door against all further attempts at legislation. He implored the House not to disappoint the thousands of decent tradesmen to whom this measure of protection would be an invaluable boon.

MR. M'LAREN said, he was opposed to this Bill irrespective of any prejudices of nationality; he thought the Bill vicious in principle and would be injurious in operation. His opinion was that by merely increasing the penalty imposed by the present law nearly all that was necessary might be done. A fine of 5s. was ridiculously small compared with the profits capable of being made by Sunday trading. No case had been made out for the exceptions, for there

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was nobody who wanted either to kill animals, to catch fish, or to shoot game for his own eating on Sunday, and articles of food obtained the day before would keep as well in private houses or rooms as in the tradesmen's shop. He opposed the Bill, moreover, on the ground that public feeling was in favour of complete cessation from labour on the seventh day. The highest class of tradesmen totally abstained from Sunday trading, and those who engaged in it tacitly admitted that there was something disreputable in the practice. But if, in the shape of exceptions from the scope of an Act of Parliament, the pursuit of particular occupations on Sunday was legalized, the effect would be at once to render those occupations respectable, and would lead to their being largely followed.

MR. RUSSELL GURNEY said, he agreed in the importance of putting an end to all unnecessary labour on the Lord's Day; but he could not help thinking that much of what had been addressed to the House on the second reading of the Bill should have been reserved for the Committee. The Bill was not intended to legalize anything which was at present illegal, and it did not interfere in the least with the present law. The Bill proposed to leave the law in its present state as to all exceptions; but it gave additional penalties and strength to that part of the law to which the exceptions did not apply. The Bill would not allow a licensed victualler to keep open his house during the hours of Divine service. He suggested, if any doubt existed on the point, that a proviso should be introduced in Committee limiting its operation to those articles which were necessary to be sold for the benefit of the poor only, and not articles of luxury for the rich. They should endeavour to relieve the poor from Sunday labour as much as possible.

MR. ALDERMAN LUSK supported the Bill. The world without a Sunday would be like the sky without a sun, and the earth without a flower. They ought to do all they possibly could to relieve upwards of 80,000 persons alone in London and the suburbs from Sunday labour.

MR. GOLDSMID hoped that as the law upon the point appeared to be somewhat lax the right hon. Gentleman the Home Secretary (Mr. Walpole) would state his views with regard to the measure.

MR. WALPOLE said, that in reference to the operation of this Bill he must say

he felt very little confidence in any legislation upon the subject of Sunday trading. At the same time, when the law was represented to be in such a state that it could not be enforced, and that traders who wished to have the benefit of the Sabbath, whether as a religious or civil institution, were deprived of that benefit by being forced to enter into a competition with other traders on Sunday, or else to have their business carried away from them, a strong case was made out for some action of the Legislature. In affording protection to traders so placed, the only course was to make more stringent provisions than those which were contained in the Act of Charles II. The Act of Charles II. was perfectly inefficacious in consequence of the difficulty of levying the penalties provided by it. He quite admitted that Sunday trading was carried on in this metropolis to an extent that was greatly detrimental to the fair trader; but there was this difficulty in dealing with the evil—that if the first section of the Bill was passed without exceptions, the effect would be to prohibit every kind of trading on Sunday, and that would be very detrimental to the poor, who would not have an opportunity of buying within a limited time on that day things which might be regarded as necessities, and which they might not have been able to purchase on the other days of the week. If that were so, they might look on this Bill as containing two main principles—the first, that the prohibition of Sunday trading should be retained; the second, that there should be certain exceptions with the view of permitting poor people to purchase on Sunday, within certain hours, what they might not have been able to purchase on any other day. He had not asked the opinion of the Law Officers of the Crown on the subject; but he entirely concurred with his right hon. Friend the Recorder for the City, that the provisions of the present Bill did not alter the statute of Charles II. That being so, it would become a matter of great importance when the Bill got into Committee to watch narrowly the nature of the exceptions proposed to be allowed. Some of those at present in the Bill could not, in his opinion, be retained. He did not think it had ever been intended by the majority of those who were in favour of the Bill that periodicals should be made an exception. He did not think if care were taken in drawing the various clauses that this Bill could be called one for the desecration of the Lord's day; on the contrary,

it might be termed one for its observance. He looked upon it as one which deserved the attention of the House, and which would create a material improvement of the law.

MR. CANDLISH thought that the operation of the Bill ought to be confined to the metropolis, and that it would have a relaxing and detrimental effect in the provinces. As an almost universal rule, shops were kept shut on Sunday in country towns; and, except perhaps in two or three of the largest provincial towns, the Bill would increase the evil which it professed to cure.

MR. THOMAS HUGHES begged to remind the hon. Member that the operation of the Bill was confined to towns having upwards of 10,000 inhabitants.

MR. CANDLISH did not think that that was a sufficient limitation. He believed that if it were not confined to the metropolis it would be the means of introducing Sunday trading into many places where it did not now exist. He doubted very much whether, with such a Bill in operation, any magistrate would convict for an infringement of the statute of Charles II. He should, however, have no objection to the measure if it were to be confined to the metropolis.

MR. BOWEN had intended to vote for the second reading when he entered the House; but, having read the clauses of the Bill, he must oppose it.

MR. HEADLAM said, he quite concurred with his right hon. Friend (Mr. Walpole) that the Bill did not affect the prohibitory provisions of the statute of Charles II.; but he was, notwithstanding, of opinion that, although the Bill did not legalize anything now prohibited, the inference in favour of the legality of dealing in things prohibited on Sundays would be so strong after the passing of this Act, that the Act of Charles II. would be wholly inoperative. There was comparatively little Sunday trading in towns in the North of England, with the exception of one or two very large ones. He was therefore in favour of limiting the operation of the measure as much as possible.

MR. GRAHAM said, there were only two grounds upon which they were entitled to legislate upon this subject. One on the ground of religion, and the other, social expediency. On religious grounds the Bill was altogether indefensible. Government had no right to deal with questions of religious belief or practices on religious grounds, for to do so was to interfere with

liberty of conscience. There was no evidence that this measure was required on the ground of social necessity, or that it was required at all anywhere but in the metropolis; and unless it was confined to the metropolis he should vote against the second reading.

MR. HENLEY said, that the noble Lord (Lord Claud Hamilton) and others who had spoken on this subject, supported the Bill on the grounds which did not recommend the measure to him. The argument of the noble Lord was that there were thousands in this metropolis who were afraid of obeying God's commandments, lest by so doing they might suffer in pocket. If people were disposed to treat the commandments of God in that way they had no right to ask Parliament to strengthen their hands. He supported the Bill on the ground that the purchase of certain articles on Sunday was a necessity with many of the poor. But what was necessary for the poor might not be necessary for the rich. He wished the Bill had been drawn in a different manner, because in its present form it led to the belief that there was a desire to legalize that which had hitherto been held to be illegal. That ought not to be done; and when the Bill was in Committee he hoped they would be able to define what it was actually necessary to exempt. The statute of Charles II. was founded on sound principles, and a very few words in this Bill would place it on a similar footing, and so remove from the minds of many persons the impression that they did intend to legalize the sale of many of those things which were prohibited by the statute of Charles II. He was in favour of legalizing the sale on Sunday of such articles as might be necessary for those who could not purchase them on any other day; but he did not see why the operation of the Bill should be confined to towns of a certain size. If a thing was wrong in a small place it was wrong in a large place also. He hoped the Bill would be put into better shape in Committee; if not, it would be competent to the House to reject it.

MR. NEWDEGATE considered the Bill incomplete, but he should not object to its second reading, with the view of making it complete in Committee. The object of the statute of Charles II. was to except only such things as were actually necessary to be sold on Sundays, and it was desirable that the House in

Mr. Graham

this Bill should recite that Act. The Bill had been the subject of great controversy in the country; but with the view that the operation of the Bill would be confined to the metropolis, and the excepted articles being clearly defined, he should not oppose the second reading of the Bill.

MR. THOMAS HUGHES, in reply, said, he should be ready in Committee to accede to various alterations that had been suggested in the course of the debate. His object had been to frame a measure that would meet the requirements of the country, and if there was anything wrong in it he should be ready to remedy it. He would also consent to the Bill being limited to the metropolis, if it should be thought inexpedient to extend it to the provinces.

Question, "That the word 'now' stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Tuesday 4th June*.

GRAND JURIES (IRELAND) BILL.

(*Mr. Peel Dawson, Mr. Leader, Sir Colman O'Loughlin, Mr. Lanyon.*)

[BILL 73.] SECOND READING.

Order for Second Reading read.

MR. PEEL DAWSON, in moving that the Bill be now read a second time, observed, that its object was not to re-construct the grand jury laws or change the incidence of taxation, but to remove anomalies in the present system, and prevent the making of another more satisfactory law. There were irregularities and deficiencies in the system which had crept in and which required correction, and which by their removal would establish stability, and make the law more in accordance with the views of the recognised exponents of public opinion. He meant especially the case of the associated ratepayers, who ought to act as checks upon the magistrates in the assessment of the public money. They were drawn from a list of the highest cesspayers, and they were selected by ballot at the sessions; there was consequently doubt as to those who were to serve. In many counties in Ireland it was most difficult to obtain a sufficient attendance of those cesspayers, and when they did attend, it was often found they came for a purpose, and were mani-

puted by the grand jury who prepared the lists. The principle that representation should go with taxation was therefore defeated. Now, as all local taxation should originate at the sessions, he desired to see them in a more responsible position. He proposed that they should be elected, like the Poor Law Guardians, by the ratepayers. He would also limit the number of magistrates, so that there should be no swamping of the associated ratepayers, and that ratepayers and magistrates might form a compact body with equal and co-extensive powers. The second section provided for the election of associated ratepayers in a manner named. To prevent, however, the too frequent repetition of elections, it was suggested that the Poor Law Guardians should form the body of the associated cesspayers, and to that he had no objection. He was ready to admit that in his own county (Londonderry) the machinery of the Bill might not work as well as in other places, but he proposed that there should be baronial committees with equal and co-extensive powers. A similar organization had been carried out in the county of Dublin, and with, he believed, the best results. If the House would go into Committee several useful Amendments might be inserted. For instance, he himself would move that some increased remuneration be given to the secretaries of grand juries, many of whom were now underpaid. Possibly the House might be of opinion that the measure should be referred to a Select Committee, and on that point he would agree, as his only object was to get rid of the anomalies and abuses of the present system.

COLONEL FRENCH seconded the Motion, and remarked that under no other system had such good roads been maintained as those of Ireland. 50,000 miles of high roads and by-roads were kept in admirable repair for £512,000 a year, which included the maintenance and repair of bridges and other similar works, and the approaches thereto. There was a debt of £4,000,000 sterling upon 26,000 miles of road in England, and yet in Ireland there were no debts and no turnpikes. He was glad, therefore, that the hon. Member for Londonderry had not proposed anything which would interfere with the present system of road repair and maintenance in Ireland. That system was plain, and the people were conversant with it. The cesspayers at road sessions had an interest in having the roads in good

order, while they were interested in economical management, as they themselves would have to pay the principal cost. In England no new road could be undertaken without coming to Parliament at an expense of £600 or £700, whereas in Ireland the expense was little or nothing, all proceedings both by presentment sessions or before grand juries were conducted in public. The local knowledge of the resident gentry, the professional assistance of the county engineer, were available without expense. No works could be undertaken without first having received the sanction of the cesspayers. If approved of, their execution had to be advertised for public tender, and the lowest offer had to be accepted. At the assizes any cesspayer could challenge the work on its necessity, and have its merits decided on by the verdict of a petty jury, or if he questioned its legality, by the presiding Judge without any cost. The nomination of cesspayers to be associated with the magistrates at presentment sessions might lead to some doubt as to who was to serve; but as they had to be chosen by ballot out of double their number, he did not attach much weight to that objection, although he quite agreed that magistrates living at a distance and having no immediate interest in the district, could attend road sessions, and by their votes swamp those of the associated ratepayers. With regard to compulsory assessments, he (Colonel French) objected altogether to them. Was there either reason or justice in heavy taxation being imposed on the Irish counties by a fiat from the Castle of Dublin unaccompanied by either account or explanation. Why should the Lord Lieutenant be empowered to order the erection of enormously expensive buildings, far more costly than the pecuniary circumstances of the county warranted, such as lunatic asylums, gaols, &c., and their expenditure defrayed by those who neither sanctioned nor approved of the outlay. Why should the charge for lunatic asylums be taken from the poor rate, of which they formed a part, and placed on the county rate? Why should the counties be taxed for an uncalled-for and unnecessary audit by a Master in Chancery, already highly paid as a public servant? He would give a few out of many cases, showing the result of leaving this power to the Executive. In 1822 an order came from Dublin Castle to Roscommon that the collection of the county cess should cease on account of the famine and distress then prevalent. In

1835 the arrear was peremptorily called up, although many occupiers of 1822 were long since dead or had emigrated. In another case the cost of seven bridges was levied, although the county engineer proved that the foundations of some of them were not laid. The twelve counties bordering the Shannon were forced to pay £300,000 for improvements which were never effected at all. He seconded the Motion for the second reading; but declined to pledge himself to support all the details of the Bill, which ought to be introduced on the responsibility of Government.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Peel Dawson.*)

MR. MAGUIRE objected, on behalf of the tenant farmers of Ireland, that they should pay the whole of the expense of the roads, and that the other classes—the landowners, for instance—should not contribute their fair share. The cost might be thought to be divided equally between the landlords and the tenants. The support of lunatics was divided between the two; but why, he asked, were not the other county charges also divided, and why should not taxation and representation go hand in hand? He would not be satisfied with any system that was not based on equity and fairness, and he asked the House to insist upon ample justice being done in those respects.

THE O'CONOR DON said, he did not think they could settle the principle of the grand juries of Ireland in a Bill introduced by a private Member, and that it was a subject which ought to be taken up by the responsible Ministers of the Crown. There were, however, some portions of the Bill in which he could concur, although in the main he did not think it went far enough to meet the demands of the case. The Bill proposed to deal with the constitution of the Court of Presentment Sessions; and secondly, to deal with the grand juries themselves. With regard to the first portion of the Bill relating to the election of associated ratepayers, and to the means to be taken to prevent magistrates living in other baronies coming and voting for or against an expenditure in which they had no interest whatever, he was willing to give it his support. He feared, however, that the second portion would be subversive of the present grand jury system, of which he had always considered the hon. Member for Londonderry

Colonel French

(Mr. Peel Dawson) to be a warm supporter. He feared that the operation of the second portion of the Bill would be to hand over the whole of the power of the grand juries to the proposed standing Committee. The hon. Member for Limerick (Mr. Synan) had given notice of his intention to refer the Bill to a Select Committee; but if that course were adopted, the whole of the grand jury system would have to be inquired into, and he contended that the present measure would not furnish a proper foundation for such an inquiry, although to inquiry he had no objection whatever.

SIR HERVEY BRUCE considered the question of a change in manner of collecting cess was one deserving consideration; but he was far from saying that a change was likely to be beneficial to the ratepayers. There were several portions of the Bill in which he entirely concurred; other portions to which he could not give his approval. He agreed that it would be much better to refer the Bill to a Select Committee.

MR. STACPOOLE also expressed his approval of the first portion of the Bill, and his dissent from the second. He believed that the best course to adopt would be to refer the Bill to a Select Committee, and then to leave the matter in the hands of the Government, so that it might be dealt with in a more satisfactory manner than if left in the hands of a private Member.

MR. SYNAN (who had a notice on the paper to refer the Bill to a Select Committee), having pointed out the difficulties with which a private Member would have to contend in a matter of this nature, observed that the defects of the present grand jury system were three-fold. The first defect was, the want of a representative character in the grand jury itself; the second, want of a representative character of the associated ratepayers; and the third was, that the grand jury was merely a temporary and shifting body. The Bill now under discussion would deal with the second defect, and left the other two altogether untouched. In his opinion the grand juries ought to have a certain corporate existence. To the first portion of the Bill he was not disposed to object, and so far as his Motion to refer the Bill to a Select Committee was concerned, he thought it would furnish a sufficient basis for inquiry; but if the Government would consent to take up the matter he would waive his Motion.

MR. LANYON joined in the recommendation of the hon. Member for Roscommon (Colonel French), and hoped the noble Lord would deal with this subject, because the Bill was not sufficiently comprehensive in its character.

MR. SERJEANT BARRY said, the subject was one of such importance that it could not be adequately dealt with by a private Member, and he therefore hoped that the noble Lord (Lord Naas) would respond to the appeal made to him, and would deal with it in a comprehensive and satisfactory manner. In his opinion no legislation would be satisfactory which did not deal with the absence of sufficient representation on the part of the ratepayers and with the injustice of throwing the whole burden of maintaining roads and similar works upon the occupiers of the land, who had much less interest in them than the owner. The present system was regarded with suspicion and dissatisfaction by the people, who considered that the time had come for the re-arrangement and reform of the fiscal system in the counties of Ireland. In whatever legislation might be undertaken care should be taken for a complete representation of the cesspayers—a fair adjustment of the burdens of taxation between occupiers and owners, and such a change in the constitution of the grand juries as would convert the present evanescent into permanent and responsible bodies.

SIR FREDERICK HEYGATE expressed his approval of many parts of the Bill, but was of opinion that other portions of it were open to considerable objection.

LORD NAAS admitted there could be but one opinion as to the propriety of representation accompanying taxation; but, looking to the history of the grand jury system of Ireland, he had great doubts as to whether any great practical evil existed. There might be individual instances in which cesspayers and members of grand juries were actuated by selfish motives; but these motives operated to a less degree, perhaps, in the grand jury system than in any other. There might have been, as alleged, unfair manipulation of lists of cesspayers; but if it had amounted to a system there was sufficient public spirit to have exposed it. He could not admit that the grand jury system as it was now worked was one wholly and entirely removed from popular control. He believed the contrary was the case, and that, whenever anything was done to which there was

great popular objection, the opinion of a Judge and jury was taken. With regard to compulsory assessment the House was aware that owing to the great mass of public works which had been constructed by Government loans, the system was to a certain extent inevitable. No doubt many of these works had cost more than they ought to have done. With regard to lunatic asylums he must remind the House that he introduced a Bill, proposing that they should be placed on the same footing as gaols and other institutions; but that Bill met with determined resistance and was defeated, and the present system was strongly supported by many hon. Members professing Liberal opinions. He could not believe that in any part of Ireland the grand juries wished to exclude from their deliberations the highest cesspayers; indeed, in the county of Mayo they were generally appointed. [LORD JOHN BROWNE: Always.] That might be a good rule in Mayo, but in other counties it would not work well; and he did not think it would be wise in future legislation to provide that the highest cesspayers should be selected. He agreed with the hon. Member for Londonderry (Sir Frederick Heygate) that great misapprehension prevailed as to the incidence of the county cess. He did not want to raise a question which had been warmly debated in the House in reference to the compound-householder—namely, in case an occupier paid the rate, what was the exact portion of the rate he really paid. It was a question on which great difference of opinion prevailed. He believed generally that when a charge was placed upon property, no matter whether the occupier or the owner paid it, sooner or later the great bulk of the charge came out of the pocket of the owner. There could not be any real and substantial doubt on the subject, and therefore, although it might be held that it facilitated the collection of rates, and the working of the grand jury system, that the whole rate or half the rate should be borne by the landlord, he did not believe that the tenant would realize the anticipated benefit, for it would be found eventually, as agreements and leases ran out, the rate would be laid upon the occupier in the shape of rent. When this was brought forward as a popular grievance he thought there was nothing in it; it was a mere question of machinery, and ought not to be put forward as an instance of oppressive and unjust legislation. He did not consider it any real or substantial prac-

tical grievance, and he believed that if the subject was practically inquired into a great deal of popular misapprehension would be set at rest. As to the Bill before the House, he feared that its scope was much wider than at first appeared. Practically, it upset the whole grand jury system in Ireland. Now, it might be of public advantage that the grand jury, as a fiscal body, should meet more frequently than they did; but it would be certainly undesirable that that body, which represented the mass of the ratepayers, should delegate important functions to small committees of their own number. One great advantage of the present system—namely, publicity, would be thereby removed, and after a few years all the financial affairs of a county would fall into the hands of three or four individuals. He did not think any advantage would arise from passing the Bill during the present Session. Admitting that the whole subject was worthy of inquiry and consideration, he doubted whether that inquiry could be properly conducted except by a Committee appointed at the commencement of a Session, consisting of Members carefully selected, when all parties interested would have an opportunity of giving evidence. Nothing could be more unfortunate than that the House should hastily legislate on a subject upon which the greatest possible difference of opinion existed. He therefore suggested that the Bill should be withdrawn, and if at the commencement of next Session an inquiry was proposed, he should offer no objection to it. In suggesting the withdrawal of the Bill he should not be dealing frankly with the House if he did not state that he should not himself be prepared to introduce any measure on the subject, unless it was sanctioned by the Report of some such Committee; and, as there were other matters connected with Ireland which pressed for more immediate settlement, he thought it would be best not to proceed further with the Bill at present.

MR. LEADER said, that the subject of the grand jury law had excited great attention in Ireland, where it was the opinion of the mass of the population that it was unfair that the great bulk of this taxation should come upon the occupier. Perhaps it was too late now to appoint a Committee; but he hoped the noble Lord would devote his attention to the subject, and would next Session introduce a Bill.

MR. MONSELL thought that the statement of the Chief Secretary was satisfac-

Lord Naas

tory, and suggested the withdrawal of the Bill, the noble Lord having promised to co-operate in procuring an inquiry.

MR. PEEL DAWSON joined with many hon. Members in the opinion which had been expressed that the subject was one too large to be dealt with in a satisfactory manner by an independent Member, and would withdraw the Bill, giving notice that at an early period in the next Session he would make an appeal to the noble Lord to assist in legislating on this important subject.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

SALE OF LAND BY AUCTION (*re-committed*)

BILL (*Lords*)—[BILL 94.]

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. SELWYN said, that this Bill, which had come down from the other House, had at first caused some consternation among the auctioneers and solicitors. The noble and learned Lord by whom the Bill was introduced (Lord St. Leonards) endeavoured to meet their objections, and had so far succeeded that the auctioneers were now convinced that the Bill as amended would prove a very useful measure, and, instead of petitioning against it, resolved to petition in its favour. They had done him the honour of sending him their petition, which he had presented to the House. It was not very encouraging, however, to find that persons who had accepted a compromise were to be put to as much trouble as if they had refused to make any concession. The Bill proposed to accomplish two things—one being to remove the conflict which unfortunately existed between the decisions of the Courts of Law and Equity with respect to this subject. The other object of the Bill was to get rid of the practice in the Court of Chancery of opening the bid-dings. With respect to the first object, it was clear that in such a matter as the sale of land by auction the Courts of Law and Equity ought to act upon the same principles. Lord Cranworth, who was Lord Chancellor in the Government of which the hon. Member for Sandwich (Mr. Knatchbull-Hugessen) was a Member, had stated that there was no doubt whatever as to

the rule of law which made a sale illegal where a puffer was employed; but the rule in the Courts of Equity was different, and authorized a person to bid for the seller so as to prevent the land set up for sale from going under a certain price. He (Lord Cranworth) agreed with what had been said by Lord Justice Knight Bruce that abstractedly the legal doctrine is the sounder. The inconvenience of the present state of the authorities could not be better illustrated than by the fact that, whereas the Master of the Rolls approved the principles established in the Courts of Law, he felt himself compelled to follow the practice of the Court of Chancery; while Lord Cranworth, approving the same principles, felt himself at liberty to act upon them. To the second part of the Bill—that of putting an end to the practice of opening the biddings—he believed that no objection would be raised; and it was certainly a practice which no reasonable owner of land would adopt in a sale of his own property.

MR. KNATCHBULL - HUGESSEN said, that he felt he being no lawyer ought to apologize to the House for presuming to criticize a measure the author of which was an ex-Lord Chancellor, and which was introduced to that House by so eminent a legal authority as his hon. and learned Friend. However, he had sometimes found, in his Parliamentary experience of men and things, that when eminent lawyers condescended to deal with the common matters of everyday life, those matters became surrounded with a darkness and mystery which required to be dispelled by the touch of ordinary mortals; and so with regard to this Bill, which had come down from the other House incumbered with so many complicated provisions, that its object if not its effect was enveloped in obscurity. It had contained, however, so many provisions which in his opinion unfairly restricted trade, that he felt bound to give notice of an opposition to the Bill. His hon. and learned Friend had stated that the measure had been well considered in the House of Lords; but nevertheless, as soon as that notice of opposition had been given, the authors of the measure had found it necessary at once to strike out six clauses out of the fifteen of which the Bill originally consisted. By so doing his hon. and learned Friend stated that he had satisfied the auctioneers; but he (Mr. Knatchbull-Hugessen) begged to say that he represented—not

the auctioneer and not any organized opposition, but what he conceived to be the interests of the public. The Bill had two objects—one, to reconcile the conflicting decisions in the Courts of Law and Equity, the other to prevent the re-opening of sales by order of the Court of Chancery. With the latter object he entirely agreed, and his opposition was confined to the first clauses of the Bill. His hon. and learned Friend and he ever agreed upon the point that the decisions of the Courts of Law and equity should not conflict, but they differed as to the manner in which those decisions should be reconciled. His hon. and learned Friend proposed three things in this Bill. First, that whatever a sale of land by auction was invalid at law it should be invalid in equity; second, that the seller should be bound to declare in the conditions of sale, whether the land was to be sold with or without a reserved price, and, if without reserve, then no puffer should be employed; and thirdly, that the seller should be obliged to hand in, before the sale, a written statement of the price below which he would not sell the property. He (Mr. Knatchbull-Hugessen) proposed, on the contrary, simply to enact that when the seller declared that his property would be sold without reserve, no puffer should be employed, but that when a reserve price was declared, there should be no restriction upon the bidding at the auction. What he contended was that any man who had land to sell had a right to obtain the opinion of the public upon the value of his property, and that he ought not to be subject to restrictions in so doing. The good old rule in matters of sale was *caveat emptor*—"let the buyer keep his eyes open"—and it seemed to him a reasonable idea. The buyer had every inducement and some facility to depreciate the value of the land for sale. But what was the case of the seller? He was one man against the world, and this Bill proposed to aid the world against the individual. This was no trivial matter—there was put up to auction in London alone annually real property to the amount of £10,000,000 in value, of which about half was at present sold at the auction, and about half the remainder disposed of by private sale afterwards. It was therefore necessary that the law should be clear and simple. It was objected to his proposal that the employment of a puffer was a fraud on the public. No more so than a combination of buyers was a fraud upon

the seller, and this frequently occurred. What was more common than for a man to say to his neighbour, "I will not bid against you for lot A if you will not oppose me in lot B," and so the seller was a helpless sufferer. The noble Author of the Bill had said "elsewhere" that a man was tempted to bid more than the property was worth by the vanity of showing that he had the longest purse—that vanity would be equally acted upon by *bonâ fide* or other biddings; but was it for this kind of person they were to legislate? A man who went into an auction-room to buy land was somewhat of a fool if he had not made up his mind as to what the land was worth to him, and if he bid more it was his own fault. Why should he expect to give less? Besides, look at the relative risk—if the puffer ran up the price, the buyer's risk was giving more than he thought the land was worth (if he were fool enough to do so), or losing the purchase he wanted. But if the seller employed puffers, his risk was that he might lose the sale altogether, and have incurred to no purpose all the expenses contingent upon an auction sale. He (Mr. Knatchbull-Hugessen) maintained that such matters righted themselves, and that all restrictions upon trade were foolish and unnecessary. His hon. Friend had talked of satisfying the auctioneer; but he begged to say that from representations made to him the case of the auctioneer was this—that they were anxious to get the latter part of the Bill passed, and to obtain this, consented to the first clauses, thinking them useless but harmless. But it was not the business of the House of Commons to cumber the statute book with provisions merely because they might do no harm. Their duty was to make a Bill as good as they could; and in this view, though he would not oppose the Speaker leaving the Chair, he should move his Amendments in Committee.

Mr. KARSLAKE said, that the 7th clause, which forbade the re-opening of biddings in the Courts of Equity, contained a very important rule, to which he saw no objection; but he was opposed to the 5th clause, because he objected to legislation where legislation could be avoided, and that clause appeared to involve a needless interference with every day business. Besides, there was no reason why they should legislate about land and leave chattels untouched. Without intending any reflection upon auctioneers of furniture and other chattels, they all knew that those who were

Mr. Knatchbull-Hugessen

engaged in conducting auctions in land were, generally speaking, of a higher position in their profession; and therefore if it were necessary to tie the hands of those who sold land, it was still more necessary to tie the hands of those who sold furniture. There was scarcely a gentleman who had not suffered, or who did not know a friend who had suffered, by the manner in which horses were sold. A dozen horses were, perhaps, put up for sale for the purpose of getting rid of one or two. He recollected an instance of a Conservative Prime Minister, equally a good judge of horses and men, who lost a favourite mare at Tattersall's, because he sent her there among others which he wished to get rid of. By some means or other the wrong animal was sold to a barrister, who would not give the mare back again. To Clause 6 he objected, because it was not legislation at all, and if it were it would be objectionable. The object of legislation was not to tell people what they were to do, but the consequences which would follow if they did what they ought not. That clause said that in the case specified the amount below which the seller did not intend to sell the land should be stated in writing; but it said nothing of the consequences which were to follow if it were not done. If the principle of the Bill were adopted it ought to apply to all sales by auction, no matter what the nature of the property might be.

Motion agreed to.

Bill considered in Committee.

And, after some time spent therein, Committee report Progress; to sit again *To-morrow.*

SEA COAST FISHERIES (IRELAND)

BILL—[BILL 50.]

(*Mr. Blake, Colonel Tottenham, Mr. Brady.*)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [8th May], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"—(*Sir Henry Winston-Barron*),—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

LORD NAAS said, that when the Bill was last before them he objected to proceed with it until the Convention with France was before them. He now understood that some delay would take place before the Convention was agreed to; and on the understanding that the inquiry by the Select Committee would be into the whole of the deep-sea fisheries of Ireland, he did not object to the Bill being referred to a Select Committee.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *committed* to a Select Committee.

And, on May 21, Select Committee *nominated* as follows:—Mr. BLAKE, Sir GRAHAM MONTGOMERY, Mr. KAVANAGH, Mr. BONHAM-CARTER, Mr. SHAW LEFEVRE, Sir HENRY WINSTON-BARRON, Colonel ANNESLEY, Mr. MAGUIRE, General DUNNE, Mr. GEORGE CLIVE, Lord CLAUD J. HAMILTON, Mr. HERBERT, Sir JOHN GRAY, Mr. MALCOLM, Colonel VANDELEUR, Sir JAMES FERGUSON, and Colonel TOTTENHAM:—Power to send for persons, papers, and records; Five to be the quorum:—And, on May 31, Lord DUNKELIN, Mr. ION HAMILTON, and Mr. COOPER *added*.

PIER AND HARBOUR ORDERS CONFIRMATION (NO. 2) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Bray and Irvine.

Resolution reported:—Bill *ordered* to be brought in by Mr. DODSON, Mr. STEPHEN CAVE, and Mr. HUNT.

FACTORY ACTS EXTENSION AND HOURS OF LABOUR REGULATION BILLS.

Select Committee on the Factory Acts Extension Bill and the Hours of Labour Regulation Bill to consist of Nineteen Members:—Mr. SAMUELSON *added* to the Committee.

BLACKWATER BRIDGE BILL.

Bill "to authorize the Commissioners of Her Majesty's Treasury to compound the Public Debt due by the Commissioners of the Bridge across the River Blackwater, near the town of Youghal, in the county of Cork, and for the transfer of the said Bridge to the Grand Juries of the counties of Cork and Waterford; and for other purposes relating thereto," *presented*, and read the first time. [Bill 156.]

PUBLIC RECORDS (IRELAND) BILL.

Bill "to provide for keeping safely the Public Records of Ireland," *presented*, and read the first time. [Bill 157.]

House adjourned at ten minutes
before Six o'clock.

HOUSE OF LORDS,

Thursday, May 16, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—Vice President of the Board of Trade * (99); Offices and Oaths * (100); Transubstantiation, &c., Declaration Abolition * (101).

Second Reading—Customs and Inland Revenue * (93).

Committee—Office of Judge in the Admiralty Divorce and Probate Courts (11 & 102).

OFFICE OF JUDGE IN THE ADMIRALTY,
DIVORCE, AND PROBATE COURTS
BILL—(No. 11.)—(*The Lord Chancellor.*)

COMMITTEE.

Order of the Day for going into Committee read.

THE LORD CHANCELLOR said, that on a former occasion when he moved the second reading of the Bill he had given some account of the business transacted in these several Courts, sufficient he thought to show the necessity for some alteration being made in their constitution of these Courts. His noble and learned Friend (Lord Cranworth), however, intimated his opinion that he (the Lord Chancellor) had not made out a sufficient case for the introduction of the measure. At the same time, he (the Lord Chancellor) stated that there was a Bill before the other House which would materially increase the jurisdiction of the Court of Admiralty over maritime contracts and maritime causes generally; and his noble and learned Friend then suggested that possibly that Bill might alter his views on this Bill, and it would therefore be desirable to wait till that Bill came up to their Lordships' House. In deference to his noble and learned Friend's wishes he postponed the Committee on the Bill from the 26th of February, now nearly three months; but there were circumstances which rendered it imperative that he should proceed with the Bill without further delay. He thought the account he gave of the business in these Courts showed that it was absolutely necessary that the measure he proposed should receive their Lordships' sanction; and he had now got some additional statistics on the subject, to which he must call his noble and learned Friend's attention. He would just remind their Lordships of the advance in the business of the Admiralty Court from 1841 to 1866. He found that against 456 causes which were entered in the

year 1841, 1,239 were entered in 1866. It was suggested by his noble and learned Friend that, possibly, the increase of causes might arise from there being a number of small causes brought into the Admiralty Court. He (the Lord Chancellor) had before him an account of the different values of causes in 1841 and 1866. The number of salvage causes in 1841 was 66, and the number in 1866 was 139; the total value of the causes in 1841 was £40,400, and in 1866, £221,300. The damage causes were 42 in 1841, and in 1866, 264; the total value involved in the causes of 1841 being £23,900, and in 1866, £613,350. Of other causes, in 1841 there were 66, and in 1866, 254; the value in 1841 being £33,420, and in 1866, £414,110. In 1866 he understood there were no less than 24 causes above the value of £10,000. He had stated on the former occasion the vast increase of business in the Divorce and Probate Courts; but his noble and learned Friend, who was somewhat sceptical throughout his statement, thought he had no ground for saying that the business required an increase of judicial force. Now, it appeared that in the Divorce Court in Hilary Term there were 59 remanets; and there were 61 causes entered in that term. There had been 17 causes entered between Hilary and Easter Term. None of these causes were taken during Easter Term; so that in Trinity Term there would be an arrear of 137 causes besides the addition that would be made by the causes entered in Easter Term. He understood that the course of practice in that Court was to give Probate cases preference over Divorce cases. Some of their Lordships might have observed that there had been a will case which had occupied the attention of the Court for a considerable time; so that, until the end of that cause, the Judge would not be able to touch the Divorce cases. He should have thought that this statement was in itself sufficient to justify him in saying that there really was a necessity for additional judicial strength in these Courts of Admiralty, Probate, and Divorce. But there was an additional reason which seemed to him to render it absolutely essential in the view he had taken that this Bill should be pressed in all its remaining stages through the House. When he introduced the Bill in February last, he was aware that it would be necessary, in consequence of the increase of business, particularly on the circuits, to

The Lord Chancellor

appoint two additional Judges; and part of his original scheme was to make the two puisne Judges he proposed to constitute this Court available for the circuits. The great pressure arose upon the large circuits, particularly upon the Northern Circuit, where the business had grown to such an extent that it was quite impossible that the Judges going circuit could cope with it. The Northern Circuit included not only the great towns of Manchester and Liverpool, but also Newcastle, Durham, Carlisle, Appleby, and Lancaster. The Judges were obliged to visit all these towns, and they could give to each of them only a very limited portion of time. The consequence was that in Manchester and Liverpool the Judges were unable to try half the causes set down for trial on the circuit, and the causes were either made remanets, or the disappointed suitors were obliged to refer their causes, which occasioned a very considerable increase of expense, without being a very satisfactory mode of disposing of them. Even with the assistance of two or three courts, a barrister presiding over one of them, they could not get through the business. This amounted to a perfect denial of justice. He held in his hand a statement of the business of the Manchester Assizes since the time when they were first held there. The Return was made to the first Minister, and showed a state of things which was a perfect scandal. In the Summer Assizes of 1864 only eight days were allotted to Manchester, there being 53 causes entered, and only 31 tried and disposed of. In the Spring Assizes of 1865 eleven days were allotted, when there were 78 causes entered, and 38 tried. In the Summer Assizes of 1865 twelve days were allotted; 70 causes were entered, and 59 tried. In the Winter Assizes of 1865 seven days were allotted, 47 causes entered, and 37 tried. In the Spring Assizes of 1866 eleven days were allotted, 61 causes entered, and 36 tried. In the Summer Assizes of 1866 65 causes were entered, and 36 tried. Such a state of things ought not to be allowed to continue; and the only remedy for it was to divide the Northern Circuit—for in fact the two towns of Manchester and Liverpool had business enough to constitute them a circuit by themselves. Dividing the Northern Circuit he created an additional circuit, and required two additional Judges, and the question was, how should those Judges be provided. It was part of

his original scheme to make the two puisne Judges of this re-constituted Court Judges of Assize, and that they should be on the same footing as the Judges of the Superior Courts. He thought it right before taking any step in that direction to consult the Judges of the Superior Courts, and he was bound to say that the majority of the Judges who saw the necessity of an addition to the number of Judges did not agree in the scheme he had suggested, preferring, naturally enough—he said so with great respect for them—an additional strength to their own Courts. Out of deference to their opinion he had certainly withdrawn this part of the scheme from the Bill. He had since that time consulted various persons of experience, and he confessed he found great diversity of opinion on the subject. He was therefore thrown on his own judgment—he must take on himself the responsibility—he must do what he thought best for the public good and for the advancement of justice—and he confessed he did not think that what was suggested by the Judges would be the right course to pursue. There was no other mode as appeared to him of economically providing for the want which had arisen than by making two Judges for this Court; and he supposed nobody would deny the absolute necessity of creating a new circuit by the division of the Northern Circuit. The necessary consequence would be that they must have two additional Judges. Now he did not think the addition of two Judges to the Superior Courts of Common Law was desirable. It was true he should get the two Judges for the additional circuit, but then he thought there would be a superfluity of Judges for the business in London. He saw no reason why with the present staff of Judges and a little re-arrangement the business in London might not be very satisfactorily disposed of. There was an Act passed at the commencement of the reign of William IV., by which the court *in banco* was to consist of four Judges. Now, he could not conceive what necessity there was for having four Judges constantly sitting in these Courts. He should have thought three Judges much better. In the Courts of Chancery a single Judge disposed of the causes, two Judges sitting in the Court of Appeal. Why, then, there should be four Judges sitting *in banco* he could not understand. If the Judges *in banco* were reduced to three, then there would

be two Judges in each Court let loose for the transaction of the *Nisi Prius* business and for the work in Chambers. Under these circumstances, he did not think it desirable that there should be an addition of two Judges to the staff in the Superior Courts. He could not conceive any other plan more reasonable than the one he proposed for constituting the Divorce, Probate, and Admiralty Courts into one Court, which he hoped would be a Court of a superior character in the estimation of the country, the Judges in it being placed on the same footing as the Judges in the Superior Courts of Common Law by being made of the degree of the coif, and by being put, through a clause he would introduce, in the commission of the peace on the circuits in the same way as the Judges of the Superior Courts. Thus the services of two additional Judges on circuit would be provided by the appointment of only one additional Judge; because there was already a Judge in the Probate and Divorce Court, and there was likewise one in the Court of Admiralty. He had heard a strange objection urged to the scheme which he proposed—namely, that these two Judges of the united Court of Probate and Admiralty, though going circuit, would not be present in the Superior Courts of Common Law when motions for new trials were made. Now, it was at present the fact that in at least one-half of the cases upon motions for new trials the Judges who originally tried the causes were not present. However, it would be provided by a clause that the Judges of the new Court might be summoned to assist the Judges in the Superior Courts of Common Law, as well as the Judges in Equity. He therefore trusted that their Lordships would allow the Bill to pass through Committee. He needed not to add that the only desire he had was to do that which was most for the benefit of the public by providing for the wants that had arisen for additional Judges in the best and most economical manner.

LORD CRANWORTH said, that he did not think the noble Lord had shown a necessity for the creation of a single new Judge. It appeared to him that his noble and learned Friend (the Lord Chancellor) proposed to add to the judicial strength in that part of the judicial system where the addition was least required. His noble and learned Friend said that there were considerable arrears in the Divorce Court; but that circumstance

afforded but a fallacious test of the necessity for the appointment of a new Judge. The question was, what would be the arrears if the present excellent and able Judge of that Court sat the number of days in the year which it was reasonable to expect that he would sit? It would not, he trusted, be supposed that he was wanting in the respect due to the very amiable, learned, and expeditious Judge who had so long presided over the Admiralty Court, for he believed that was the only Court in the kingdom where arrears were not known; but what was the period of time during which the Judge in that Court sat? According to the Returns he sat last year only 120 days, and taking the last five years the average number of days was only 109, or one day more than eighteen weeks. In the Courts at Westminster the Judges of the Courts of Common Law sat thirteen weeks during term and thirteen weeks after term, or twenty-six weeks in the year on the whole. Then the time spent on circuit could not be less than ten weeks, so that those Judges sat thirty-six weeks in the year. He concurred with his noble and learned Friend that a tribunal of three Judges sitting *in banco* would not only be as good, but would be materially better than a tribunal of four, because with a court of three a majority would always be secured; and with the Chief Justice or Chief Baron presiding, and having one Judge on each side of him, nothing would be more easy than for all to communicate with each other. From his own experience, he knew that a fourth Judge was a sort of outsider with whom it was difficult to communicate while the arguments were proceeding in court. Now, if one of these four Judges sitting *in banco* in each court were taken away from the sittings *in banco*, what was to prevent the whole three or two of them going during term to Liverpool and Manchester and clearing off the circuit arrears in those places? By such an adjustment of the judicial strength, no additional Judges would be needed. He did not think it likely that as good Judges would be obtained from the Probate Court, re-constituted according to the proposed scheme, as from the other Courts, for the transaction of general business. But now there was a tendency to give to the Courts a general jurisdiction in everything, and he was extremely anxious for his noble and learned Friend to make the Admiralty Court, though in name called the Admi-

rality Court, if such a court is to be constituted as proposed by his noble and learned Friend, just the same as all the other courts, and to allow the business now transacted there to be performed in that court or in any other court. As things at present stood, if a ship happened to have run down another ship the owner of the latter could not recover damages in a common law court if the slightest misconduct on his part could be proved. Such, however, would not be the case if the matter were tried in the Admiralty Court; so that the result would entirely depend upon the circumstance of its having been brought before one tribunal instead of another—a state of things which he did not regard as altogether satisfactory. Why should not the Admiralty Court be placed in the same position as the Superior Courts? Then the cases that came before that Court would be decided on the same principle as those in the Superior Courts. That, however, had nothing to do with the present Bill, and he would only add that if his noble and learned Friend were to persevere in the course which he had indicated he would be doing that which he would very much regret.

THE LORD CHANCELLOR said, it was a misapprehension to suppose that his chief object in bringing forward the measure was to provide Judges for the additional circuit. What he had mainly in view, on the contrary, was to create what he thought would be a Court of a high character, by means of which the administration of justice would be advanced, and which he considered to be absolutely necessary, looking at the state of business in our Courts. His noble and learned Friend (Lord Cranworth), in commenting on the business before the Courts, confined his remarks entirely to the Court of Admiralty; but he must know that the Judge of that Court was by Act of Parliament enabled to assist the Judge of the Probate Court, and *vice versa*, yet the best proof that could be that they had no relation whatsoever in the conduct of the business of their respective Courts was that they had never rendered that mutual assistance. Now, what was it that his noble and learned Friend proposed to substitute for the plan which he introduced, and by which the services of two Judges for that additional circuit, which were so necessary, would be secured? The noble and learned Lord suggested that it would be sufficient that three Judges should sit *in banco* in

each of the Superior Courts of Common Law, and that the remaining two might go circuit whenever it was required that they should do so. Had he reflected, he would ask, on the difficulty of carrying out that scheme? Summonses must be issued and notices given to the Sheriff, while the convenience of having the circuits held at a fixed time, so that the Bar would be able to attend them, instead of being divided and dispersed, would be obviated. His noble and learned Friend threw out another suggestion upon which it was very difficult to act. He would have the Court of Admiralty and the Court of Probate and Divorce and the Superior Courts of Common Law fused together, so that there should be four Superior Courts sitting, with four Judges in each. Now, it was very easy to make such a proposal; but when a system had been long established to change it in that way was extremely difficult. For his own part, he believed it to be most desirable that the Court of Admiralty and the Court of Probate and Divorce should be kept separate from the Superior Courts, with Judges devoting themselves to the particular description of business which came before their respective Courts. More than that; he could see no scheme which it would be more inexpedient to adopt than that which his noble and learned Friend had darkly shadowed forth.

Bill *considered* in Committee; Amendments made: The Report thereof to be received on *Monday* next; and Bill to be printed as amended. (No. 102.)

House adjourned at Six o'clock,
till To-morrow, half past
Ten o'clock,

HOUSE OF COMMONS,

Thursday, May 16, 1867.

MINUTES.]—SELECT COMMITTEE—On Corrupt Practices at Elections *nominated*; Factory Acts Extension and Hours of Labour Regulation, Sir Frederick Heygate *discharged*, Mr. Lanyon *added*.

SUPPLY—*considered in Committee*—£416,750, Increase Pay to Non-Commissioned Officers and Men, and for more efficient Recruiting of the Army.

PUBLIC BILLS—*Ordered*—Water Supply*; Writs Registration (Scotland)*.

First Reading—Writs Registration (Scotland)* [160]; Water Supply* [161].

Second Reading—National Debt Acts [114]; Court of Law Officers (Ireland)* [145]; Vaccination* [125].

Committee—Petit Juries (Ireland)* [48]; Court of Chancery (Ireland)* [47] [R.P.]; County Treasurer (Ireland)* [91].

Report—Petit Juries (Ireland)* [46 & 158]; County Treasurer (Ireland)* [91 & 159].

Considered as amended—Bunhill Fields Burial Ground* [107].

Third Reading—Labouring Classes Dwellings Acts (1866) Amendment* [118]; British Spirits* [135], and *passed*.

AFRICAN SLAVE TRADE.—QUESTION.

SIR T. F. BUXTON said, he would beg to ask the First Lord of the Admiralty, if his attention has been drawn to the opinions expressed by Commander Latham (Slave Trade Papers A, 1867, No. 79); Commander Purvis (No. 84); Captain Bedingfield (No. 90); and by Consul and Political Agent Seward (Slave Trade Papers B, No. 216) in favour of an alteration in the cruising ground of Her Majesty's Ships (with a view to the more effective prevention of the slave trade on the East Coast of Africa); whether it is proposed to make any such change; and, if the Returns of Slavers captured in 1866 will before long be laid upon the table?

MR. CORRY said, in reply, that the recommendations of Commander Latham and Commander Purvis had been approved by Commodore Hillyard, and had been already carried into effect so far as circumstances would admit. Mr. Seward's recommendation was that they should occupy an island between Locatra and the main land as a coal depôt, and as a place for receiving captured slaves; but Commodore Hillyard reported that the island would require a strong garrison to protect it from warlike natives; that it was a mere rock, and that the water was bad and unfit for use; and therefore it was not the intention to act on that recommendation. The Returns to which the hon. Baronet referred were laid on the table last Tuesday, both as regarded the East and West Coasts of Africa.

REPRESENTATION OF THE PEOPLE BILL—THE COMPOUND-HOUSEHOLDER FRANCHISE.—QUESTION.

MR. THOMSON HANKEY said, he would beg to ask Mr. Chancellor of the Exchequer, At what time can a weekly tenant of a house, for which the rate is compounded, deduct from his landlord the amount he may have been called on to pay

for additional rating on claiming to be separately assessed in order to claim his vote; and, supposing the amount of rate so paid exceeds the amount of rent due, and the landlord discharges his weekly tenant, how can the said tenant recover the amount of additional rate he has paid?

THE CHANCELLOR OF THE EXCHEQUER replied, that the case supposed was one which was not very likely to occur; but since the notice of the hon. Member he had referred the matter to the proper authorities, and would communicate to the hon. Member, or inform the House upon the subject, when he received the information required.

UNIVERSAL ART CATALOGUE.

QUESTION.

MR. GREGORY: I wish, Sir, to ask the Vice President of the Committee of Council, Whether any agreement has been made with *The Times* newspaper to print the Art Catalogue for a certain sum; and, if not, whether the printing of this catalogue will be suspended until the House shall have decided whether the object to be obtained justifies the expense? I also wish to ask whether, in the correspondence which took place between the Department of Science and Art and the manager of *The Times* newspaper, it was represented to the manager of *The Times* that it would be to the public advantage if *The Times* newspaper would take up this undertaking; and also whether, if the object of the Science and Art Department were to obtain a complete Art Catalogue, that object could not be secured at far less expense and with far greater efficiency if the Department were to forward a number of circulars to the different libraries of Europe and among the booksellers of London? May I also ask, whether we now see the end of the expenses connected with this catalogue, whether a considerable staff is not occupied in carrying out the design, and whether the Department, if it intends to complete the catalogue, will have recourse to what I have suggested—namely, the printing and circulating of catalogues?

LORD ROBERT MONTAGU: Sir, the hon. Member's Questions may be divided into two portions—one as to the determination of the authorities of the South Kensington Museum to have a Universal Catalogue, and the other as to whether that determination led to an agreement

with *The Times*. Now, there has been no "agreement" in the strict sense of the word, in the sense in which the hon. Member has used it. *The Times* has behaved in a very generous manner upon the subject; its manager was told that it would be for the advancement of art education throughout the country if the catalogue appeared in the advertisement sheet of *The Times*; and on that ground they consented to charge for the insertions what was barely sufficient to cover the actual cost, including the additional stamps which would be required by the addition of another sheet of advertisements, and which would be thus repaid to the revenue of the country. The arrangement was therefore no gain to *The Times*, and they do not care whether it is continued or not. The plan of printing pamphlets and issuing them, as the hon. Member has suggested, would have resulted in securing the information desired in dribblets, whereas by publishing the catalogue in *The Times* it was hoped the corrections and additions would come in simultaneously and necessitate only one reprint. This was an experiment, and was therefore approved for only four insertions. On taking the question into consideration, we have come to the conclusion that the two insertions, at a cost of only £132, are sufficient; and we have therefore passed a Minute suspending the continuance of the insertions for the present. I must, however, remind the hon. Member that the House last year and the year before also sanctioned the compilation of this Universal Catalogue; last year a vote of £1,500 for that object was taken, and the year before £500 was voted for it.

MR. OSBORNE: The noble Lord has not answered the material point of the question, whether he intends to proceed with this extraordinary advertisement?

LORD ROBERT MONTAGU: It is evident the hon. Member for Nottingham was not listening to the material point of my answer. I stated that a Minute has been made limiting the insertions of the advertisement to the two which have already appeared.

MR. BRUCE: The original estimate for the cost of a Catalogue was £500, and last year, for the first time, there appeared on the Estimates, sanctioned by the late Government, a demand for £1,000 for the formation of an Art Catalogue. The whole sum asked for was not £1,500 but £1,000; and it was asked for upon one occasion only.

Mr. Thomson Hankey

LORD ROBERT MONTAGU : The Vote last year was £1,500.

however, that the gun in question had not been rejected.

ARMY—ARTILLERY—ELSWICK COMPANY'S GUNS.—QUESTION.

MR. HENRY BAILLIE said, he would beg to ask the Secretary of State for War, Whether the War Department has paid a part of the money, and intends to pay the whole sum charged by the Elswick Company, for the nine breech-loading 64-pounders recently rejected at proof; the said guns having been ordered two or three years since and having become obsolete; whether it is not desirable to put a mark upon all guns that fail in their proof at Woolwich, as there has been sent to the Paris Exhibition a 9-inch gun cast at Elswick, having a rifled tube of wrought iron, which was rejected at the Woolwich proof; and, whether the 100 rounds fired from that gun under cover, after it was rejected at proof, at the desire of the Elswick Company, is to be paid for by the country?

SIR JOHN PAKINGTON said, he thought that his right hon. Friend had taken a hint from the Reform Bill now before the House, and having heard so much about compound-householders had asked him what might be called a compound question. He would, however, endeavour to answer the right hon. Gentleman's Questions as well as he could. In reply to the first Question he had to say that a considerable portion of the price of the guns referred to had been already paid. The remainder, however, would not be paid until they were reported as satisfactory. He was informed that the guns in question were not obsolete, as alleged by the right hon. Gentleman. In answer to the second Question, it was the practice of the Government officials to put a mark upon all guns obtained from outside their own establishments that had failed at proof. They not only put such mark upon the guns, but also a sign indicating the cause of their rejection. The right hon. Gentleman was mistaken in supposing that there had been sent to the Paris Exhibition a gun which had been rejected at the Woolwich proof. No such gun had been sent to Paris. In reply to the third Question of the right hon. Gentleman, he had to state that the 100 rounds fired from the gun alluded to, after it was rejected at proof, were not to be paid for. The firing alluded to had been conducted for a public object at the public expense. He repeated,

ARMY—TROOPS IN HUTS.—QUESTION.

COLONEL FRENCH said, he would beg to ask the Secretary of State for War, If he means to act on the recommendation of the Army Recruiting Commission with regard to not keeping Troops in huts during the winter months; and, if he will lay upon the table of the House a Copy of the Correspondence between the Officers commanding Depot Battalions at Colechester and the War Office, representing the huts there to be unfit for men in winter?

SIR JOHN PAKINGTON: The hon. Gentleman must be aware that the Report of the Army Recruiting Commission was upon various points—some of those points had been already dealt with by his right hon. Friend his predecessor in office, the right hon. and gallant Member for Huntingdon (General Peel). The remainder were still under the consideration of the War Office. No final decision had as yet been come to upon the subject of the hon. and gallant Gentleman's Question.

REPRESENTATION OF THE PEOPLE BILL—SCHEDULE (D).—QUESTION.

MR. HENEAGE said, he would beg to ask Mr. Chancellor of the Exchequer, If it is still his intention to alter the Schedule (D) of the Representation of the People Bill as far as regards the Parts of Lindsey, as intimated by him earlier in the Session in reply to a question asked by the hon. Member for North Lincolnshire?

THE CHANCELLOR OF THE EXCHEQUER: No, Sir, upon reflection it is not my intention to alter the schedule, and I have informed my hon. Friend the Member for North Lincolnshire of that fact. The hon. Gentleman is of course aware that the boundaries in the Bill are mere temporary boundaries. They are not intended to be acted upon except in the event of contingencies that are very improbable. The boundaries will be settled by a Commission, and I am sure the House will be satisfied with the announcement that Lord Eversley has consented to act as the head of that Commission. The remaining four boundary Commissioners will be nominated in communication with Lord Eversley.

THE PARIS EXHIBITION.—QUESTION.

MR. GREGORY said, he wished to ask the Vice President of the Committee of Council, Whether it is true that all the newspapers and periodicals published in England have been sent for exhibition to Paris by the Department of Science and Art; whether all the Blue Books printed for the use of both Houses of Parliament have also been sent; whether the plaster of Paris cast of the pulpit at Pisa has also been sent; what is the cost and object of these undertakings; and, whether any of the objects in the French Exhibition have been purchased, or are to be purchased, and on whose responsibility; and whether by special Grant or out of the ordinary Estimate?

LORD ROBERT MONTAGU said, in reply, that it was not usual to judge of the character of an act till it was first ascertained that the act had been committed, and the evidence with regard to its character had been listened to. The hon. Member had put to him four Questions, each of which he would answer *seriatim*. It was true that one specimen of each newspaper had been sent for exhibition. The hon. Member would see the list at page 24 of the Appendix to the "Catalogue." He also asked whether all the blue books had been sent. They certainly had not been sent, because there would not be room for them. Only a few—thirteen—had been sent as specimens, as well as a few Acts of Parliament. The list of these was given at page 6 of the Appendix. The hon. Member asked whether the plaster of Paris cast had been sent. It cost exactly as much to take two casts of the pulpit at Pisa as one, and one of those casts had been forwarded. The object of sending it was to show the French and foreign Governments what was being done for the advancement of art and science in this country. He supposed the hon. Member was aware that we had been collecting casts of all the finest statues in different parts of the world. Some of these were exhibited in the South Kensington Museum, and some of the smaller ones were sent over the country to the different art schools. This cast of the pulpit was sent as a specimen of the different things which we collected, and in order to show what was being done in this country for the advancement of art. This had been done with a view to obtain reciprocal action on the part of other countries by the interchange of casts of

fine works of art. If we met with success, we should be giving to all persons in Great Britain, at a very moderate cost, an access to the finest specimens. The hon. Member likewise asked what was the cost of these proceedings. The cost of sending the papers was nothing, for they were given for the purpose, the cost of sending the blue books was nothing, and the cost of sending the plaster cast was nothing beyond the actual cost of transmission, and the total expense of exhibiting all the articles mentioned by the hon. Member would certainly be less than £50. The hon. Member had also asked whether any of the objects in the French Exhibition had been purchased. Nothing in the French Exhibition had been purchased by us, and the Government had no intention of asking Parliament for any additional grant for the purpose. If it were determined to purchase anything at the Paris Exhibition the purchase money would be taken out of the usual Grant applicable to such purposes.

MR. GREGORY said, the noble Lord had not mentioned on whose responsibility the things would be purchased.

LORD ROBERT MONTAGU replied, that the administration of the Grant made by Parliament for these purposes was in the hands of the Lord President.

IRELAND—NATIONAL EDUCATION.

QUESTION.

MR. O'REILLY said, he rose to ask the Chief Secretary for Ireland, Whether the Government intend to propose the increase in the Estimates for National Education in Ireland, recommended by the Commissioners as necessary to carry out the proposed changes in the training and model schools?

LORD NAAS: Sir, it is the intention of the Government to propose the usual Estimate; but it is not their intention at present to carry out the proposed changes in the training and model schools.

REPRESENTATION OF THE PEOPLE
(SCOTLAND) BILL—NEW MEMBERS.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it was his intention to be understood, with respect to the Scotch Reform Bill, that in order to provide increased Representation for Scotland it was the intention of Government to add to the

present number of the Members of the House of Commons?

THE CHANCELLOR OF THE EXCHEQUER: It is not, Sir, our intention to propose any reduction of the number of Members for England or for Ireland; and it is our intention to propose to obtain for Scotland a fair and adequate representation. Under these circumstances, we must have confidence in the enlightened wisdom of Parliament. It would probably be convenient to the House that I should say—having made inquiries as to the probable progress of business—that it is not our intention to ask the House to go into Committee on the Reform Bill to-night.

IRELAND—ALLEGED ABETTING OF FENIANISM.—QUESTION.

COLONEL STUART KNOX said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been called to a letter in *The Daily News* of May 13th, signed by a Government officer who was selected from Oxford University by his predecessor the right hon. Baronet the Member for Tamworth, as a Professor of Queen's College, Galway, in which he states—

“That he is not prepared to acknowledge that their (the Fenians) ends were altogether wicked and foolish; that the apparently rabid hatred of the Fenian to the typical landowner is not only just but is absolutely involuntary. That if any people at all should at present be hanged for the good of the nation, and he holds that no hanging is requisite at all, the only hanging that public opinion of Europe and America would endorse would be that of some twenty landlords and some six Irish Members of Parliament, including amongst the latter at least one lawyer.

DARCY WENTWORTH THOMPSON, Greek Professor, Queen's College, Galway:”

and, whether Her Majesty's Government intend, in the event of the above quoted letter being genuine, to retain the services of this Professor?

LORD NAAS: Sir, a communication has been made to the President of Queen's College, Galway, with reference to that letter. To that communication no reply has yet been received.

SIR ROBERT PEEL: The hon. and gallant Member, I do not know why, has introduced my name into the Notice, seeming to impute some blame to the Government of that day. I merely wish to state that Mr. Darcy Wentworth Thompson was appointed with the sanction of the Chancellor and Vice Chancellor of the University, solely on account of his proficiency in

Greek Scholarship; and that, of course, we made no inquiry as to his politics. I beg to say, in addition, that some hon. Members' opinion on the land question has so greatly changed in so short a time that I do not altogether wonder at some of Mr. Thompson's expressions.

COLONEL STUART KNOX said, the noble Lord had not stated what the Government would do in the event of the letter being genuine.

LORD NAAS repeated that no answer had yet been received to the inquiries made. That was the only reply he could give.

CASE OF CARL ANDERSEN.—QUESTION.

MR. BLAKE said, he would beg to ask the right hon. Gentleman the Member for Cambridge University, Whether it is true that the sentence passed on the Swedish seaman, Carl Andersen, has been commuted to penal servitude for life?

MR. WALPOLE, in reply, said, it was true the sentence had been commuted, but not on the ground that Andersen was insane. There was this peculiarity in the case—that the man was influenced throughout by a delusion. The Judge in putting this circumstance to the jury, fully explained the nature of the law, and told them to find a verdict of acquittal on the ground of insanity if they thought the prisoner acted under such a delusion. The jury deliberated for an hour, and found him guilty of murder, and therefore held him responsible for the act which he had committed. After that he himself referred the case to the Judge for his opinion, and the Judge thought that the sentence was not altogether satisfactory, and recommended that the sentence of death should not be carried into execution. Under these circumstances the commutation had taken place. Without any expression of opinion to that effect by the jury, or without a medical certificate, it was absolutely impossible to treat the man as if he was insane. But after the opinion which had been expressed by the Judge it would be hardly proper for the extreme penalty of the law to have been carried into effect, and the sentence was consequently commuted.

EXPENSES OF THE PARIS EXHIBITION. QUESTION.

MR. DILLWYN said, he would beg to ask the noble Lord the Vice President of

the Committee of Council on Education, Whether there would be any objection to grant the Return for which he (Mr. Dillwyn) had given notice of his intention to move as an unopposed Return?

LORD ROBERT MONTAGU, in reply, said, there would be no objection to grant as an unopposed Return the information for which the hon. Member asked, which was an account of all the expenses connected with the French Exhibition. There was one point, however, which should be explained. At Easter the Lord President and he went over to Paris to investigate the accounts of the Exhibition. They went minutely into them, and thinking the appropriation in some cases was not quite in accordance with the intentions of the Treasury, as stated to the House in February, passed a Minute ordering all the accounts, vouchers, and supporting documents to be sent to the Treasury and forwarded to the Audit Office. No blame attached to any one; for, as the heads of expenditure were not determined until February, it was impossible to appropriate the expenditure before that time. As the Exhibition was now open, and the most part of the work terminated, they also determined on a very large reduction of the weekly expenditure; and the staff was cut down accordingly. As an additional precaution they also ordered a weekly return of the current expenditure to be transmitted.

NATIONAL DEBT ACTS BILL.—[BILL 114.]
(*Mr. Dodson, Mr. Chancellor of the Exchequer,*
Mr. Hunt.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
“That the Bill be now read a second time.”

MR. H. B. SHERIDAN said, he rose to move—

“That a further reduction of the Duty on Fire Insurances, to which this House is already pledged, would be a better mode of disposing of a portion of the surplus of Ways and Means for the present year than the creation of Terminable Annuities proposed by the present Bill.”

He proposed to devote the surplus of the present year, or a large portion of it, to the reduction of the National Debt, an expression which was hardly intelligible to those who were not able to comprehend a mass of figures. The National Debt was a monument of the mistakes and follies of our forefathers, the accumulation of years

Mr. Dillwyn

of warfare, which the right hon. Gentleman proposed to deal with by an infinitesimal contribution to the discharge of the national obligations. The right hon. Gentleman the Chancellor of the Exchequer might have felt that the policy of his predecessor was that which he should himself adopt as being the best for the public interests, but it seemed clear that he had not taken the trouble to investigate the subject, or make himself acquainted with its real merits and bearings. If the right hon. Gentleman had inquired, he might perhaps have found that neither the House nor the country was prepared to endorse the policy of the late Chancellor of the Exchequer in this particular. So far as he (Mr. H. B. Sheridan) had had an opportunity of ascertaining the views of the hon. Members, there was great probability that the measure proposed by the right hon. Gentleman during the last Session for the creation of Terminable Annuities would have been unsuccessful. He might be wrong in that view of the case, but that was certainly the conclusion he had been led to form. If the right hon. Gentleman had inquired further, he would have found that the policy of the late Chancellor of the Exchequer was a wise and beneficent one; that, during the whole time for which he was in office, he devoted himself to the reduction of the taxation of the country, to taking measures in order that the future income might correspond to the generous appeal made to the productive powers and resources of the consumers. He believed that the surplus of the present year was mainly attributable to the wise policy of the late Chancellor of the Exchequer, to the great reductions he had made in taxation, and to the wise provisions by which he had secured that the commerce of the country should be relieved from the fetters and embarrassments that depressed it. It appeared to be the ambition of the right hon. Gentleman opposite to inaugurate a policy corresponding to that of the late Chancellor of the Exchequer. He found, it was true, a surplus at his disposal which arose out of the wise measures of the late Government, but the right hon. Gentleman not only disposed of this surplus, but, alleging that in consequence of the prosperity created by his predecessors, there would be a surplus for many years to come, and a balance between the revenue and expenditure of the country, he proposed to do away with those surpluses in order to carry out the

system he wished to realize. He called the attention of hon. Members opposite who were favourable to the repeal of the malt duty to the necessity of modifying the proposal of the Government, or postponing it to a future year. If it were carried into effect it would bind the House for many years to come to the appropriation of all surpluses of revenue in a particular direction. Hon. Gentlemen opposite would find that the enemy was at their gates, and that there was very little chance of obtaining any considerable reduction when the surplus of last year, or the greater portion of it, must be devoted to the reduction of the Debt. A remission of 6*d.* this year would interfere to a very small extent with the surplus now in the hands of Government, and the same amount might be remitted next year if the right hon. Gentleman were inclined to deal with the question in a large and liberal spirit, so that in future years he would still have at his disposal the surplus which he anticipated. Under these circumstances, he thought it would be advisable that Gentlemen who wished for the repeal of the malt duty should aid them, for in the event of the right hon. Gentleman's proposal being carried, they might almost abandon hope. He therefore strongly appealed to the right hon. Gentleman to postpone the consideration of the subject for another year. He had fully expected that the right hon. Gentleman would have done something for the fire insurers. So enlightened a statesman as the right hon. Gentleman could not be blind to the importance of the subject; and such had been the interest evinced in it by the great party with which he was connected, as well as the readiness of the right hon. Gentleman himself to meet in a popular manner the demands addressed to him, that he could hardly understand how the subject came to be overlooked. He should have expected that the right hon. Gentleman, having regard to the working of the present system in the country, and the evils which could not be denied to be inherent in it, would have addressed himself to the question with a determination to earn the popularity which would have been his meed. How was it, then, that the Chancellor of the Exchequer had failed to discover the merits and demerits of the question? Was it true that there were inner chambers in the Exchequer into whose secrets they could not penetrate, and officers who had views of

their own, as to what the Budgets ought to be, who were guided by traditions handed down in the Office as to what taxes should be repealed and what retained, and who believed it their duty not to relax the grasp of office on the public purse? It was just possible that the right hon. Gentleman might not have had time to consider fully the different plans and systems proposed with a view to the removal of taxation. It was strange that the merits of this question were not known to the right hon. Gentleman. The late Chancellor of the Exchequer had done a great deal for this question. If he (Mr. H. B. Sheridan) were urging his own individual opinion against that of the Chancellor of the Exchequer and the Government which he represented, he might fairly be charged with importunity. But that was not the case. The evidence which he could cite on the question of merits against the opinion of the right hon. Gentleman was the evidence of every class in the country. There was not only the evidence of the taxpayers themselves who had petitioned the House, but also the written evidence of the great writers on political economy, the great thinkers on this question, the theorists as they might be called, with reference to Imperial taxation. There was also the evidence of the insurance offices. They had stated over and over again that they conscientiously believed that a reduction of the duty would be a benefit to the country. There was also the evidence of insurance agents scattered all through the country, who had the means of communicating directly with the owners of property, and who stated that owners of property would not insure on account of the oppressive character of this tax. Then there was the evidence of actuaries, of men very learned in statistics. Nearly all the boroughs in the kingdom had petitioned the House in reference to this tax. 200 incorporated boroughs had done so under their seal. There was also the evidence of the Chambers of Commerce of the kingdom against the continuance of this tax. A deputation from the Associated Chambers of Commerce of the kingdom had waited upon the right hon. Gentleman to urge the propriety of a further reduction of the tax on fire insurance. He might adduce as evidence the divisions that had taken place in the House on this subject, and also the numbers of Members who had voted with him before there was a majority in favour of his proposition. All this should

make out a very strong case in favour of a reduction of this duty against the opinion of the right hon. Gentleman. But he ventured to believe that the right hon. Gentleman had not given to this subject that amount of consideration which he gave to most subjects, and that the Government had not adopted on this subject any arbitrary opinion to which they were disposed to adhere. If such an overwhelming combination of evidence as he (Mr. H. B. Sheridan) had referred to were placed before any judicial court in the kingdom in order that the court might try the merits of the case, he felt that the verdict must be in favour of a reduction of the duty on fire insurance. In the whole realm of fiscal regulations there could not be found a tax so onerous as this. It had been said that this was a tax upon property, and that view had been mainly urged hitherto by the late Chancellor of the Exchequer. If it was a tax upon property, surely it was the first duty of the Government to see that all taxes on property were fairly, justly, and honestly levied — that was to say, that no unfair exemption was made in favour of individuals, whether they belonged to this or that class of the community. The other aspect of the case was that it was a tax not upon property, but upon prudence and saving. But dealing with it as if it were really a tax upon property, he would ask the permission of the House to read a Resolution which would have reference to the question of property taxes at a future stage of this Bill—

“That taxes levied upon property should be fairly and equally levied. That favouritism in the levying or collection of the national taxes, or in the exemption from such taxes, where persons are properly subject to them without reason for such exemption, or without pretence being offered in its justification, amounts to Governmental dishonesty. That the duty on fire insurance has been declared by the late Chancellor of the Exchequer to be a tax upon property, and has been defended by that right hon. Gentleman upon the ground that property has lately been much relieved from various burthens. That assuming the right hon. Gentleman's often repeated statements to be correct, it is an injustice amounting to dishonesty to exclude from the operation of this property tax owners of property to the value of thousands of millions, whilst the tax is levied on other owners of property who are deemed to be proper objects for this tax solely by reason of the prudent and provident manner in which they secure, or attempt to secure, that property from loss by fire. That the collector of this tax is bound to relinquish all right to levy this property tax the moment the owner of the property relinquishes the idea of preserving it from destruction

Mr. H. B. Sheridan

by fire. That this tax, therefore, is levied upon the idea of preservation, and not subject even to the realization of that idea. That in every other case where property subject to this property tax is owned by persons who evince a desire to preserve it from destruction, the Government exempts such persons altogether from the payment of such property tax. That the farmers of the United Kingdom, whether they evince a desire or not to preserve their property from destruction by fire, are exempt from the payment of this property tax, and that such exemption is evidence of the legislative injustice and partiality by which this tax is governed. That such a system of favouritism in taxation and the exclusion of whole classes from the operation of a particular impost, are a serious reproach to Parliament and a grave imputation upon its legislative impartiality. That this system of taxation has been declared by a high authority out of this House to be as criminal as highway robbery, and that the proposal to pay off the National Debt or to discharge the war debts and profligate expenditure of generations ago while such a system of taxation is in operation, would, if carried into effect, be an abuse of the high power confided to Parliament. That a Committee should be appointed by this honourable House to investigate and report upon the mode of assessing and collecting this property tax with a view to ascertain whether these statements of gross and unwarrantable favouritism and unjust exemptions are true or false; and also, being true, whether a more equitable mode of assessment cannot be discovered and the tax levied equally on all property; and whether the proposal to pay off the National Debt should not be postponed until our system of taxation is reformed so as to be made commonly just and fair, and until all taxes which press unequally and unfairly, or which may be found to be in conflict with common sense and good government, are expunged from the statute book.”

If this was a tax on property why was it not imposed on all property? Why was it imposed on one man whilst his neighbour was exempted? There might be mysteries connected with the taxation of the country with which the House was not acquainted, but if such partialities were to be exhibited towards individuals then he thought there should be an inquiry into the mode of levying the taxes. But he maintained and always had maintained that this was not a property tax. If it was a property tax it would be a shame to the House to permit such unfair exemptions as he had pointed out. It was not a property tax. It was a tax on a prudent idea from which not one sixpence might ever be realized. If his (Mr. H. B. Sheridan's) view of the case was correct, then he submitted that in reference to this tax the House stood in a very false position. If this was a tax upon prudence, upon thrift, it was still a most unequal tax, and one which demanded immediate attention with a view to a remedy. He could best illus-

trate this by reading the draft of a Bill which some day or other he might have to submit to the House. Hon. Members might be inclined to smile at the wording of his Bill, but it was, notwithstanding, a true reflex of the position of this duty—

“A Bill to extend the tax at present levied on thrift and prudence to all similar investments of the savings of industry.

“Whereas great complaints have been made by divers persons throughout the kingdom, by petitions from nearly every borough, under corporate seal and otherwise, against the tax upon prudence known as the fire insurance duty.

“And whereas it has been alleged that the tax, which is 100 per cent upon the deposit or premium, or, in other words, upon the idea or desire to preserve from destruction the merchandize and house property of Her Majesty's subjects, even where nothing results in the shape of advantage to the depositor or insurer, and even where such prudent desires lead to the loss altogether of such savings and deposits, or premiums, as they are called, is a good and proper tax, and should be continued in order that supplies to Her Majesty may be granted out of the tax of 100 per cent upon thrift and prudence.

“And whereas it has been further alleged that it is expedient to raise money by any and every practicable means from the present generation, particularly where it can be done by taxing their habits of serving, in order that the Government may be enabled to pay off part of the war debts incurred in former reigns, so that succeeding generations may benefit by such payments and taxation.

“And whereas it has been alleged that no matter how absurd and ridiculous it may appear to some persons, or to other countries where they do not practice such a system of taxation, to tax the prudent habits of the people, yet the expenses of the Government of this country are so large, experiments in ships so expensive, and the expenditure generally of such a character, that it is expedient to raise money from any source in order to meet and defray such charges; and that, notwithstanding the mode of raising money above referred to, has been condemned by all the wise and learned men of the kingdom, and by every class of Her Majesty's subjects, and this to such an extent that many hundreds of petitions have been presented on the subject to this House; yet it is expedient, having regard to the necessities of the State, that such taxes should be persisted in.

“And whereas it has been alleged that to tax the prudent desires of the people to save and protect their merchandise and property from loss by fire, is a mistake on the part of the Government, for that such property is a security to the country, not only for all local taxes and to the creditors of the owners, but also for a large part of the Imperial revenue, and that the preservation of such property should be the first care of the State, inasmuch as its destruction involves such loss to local rates, to trade and commerce, and to Government; yet that the Government, not being able to see the force of such agreements, continues to act as if it were to the best interests of the country to have such property destroyed as quickly as possible, and insists upon the continuation of such taxes.

“Be it therefore enacted by, &c., from and after the day of , the said tax of 100 per cent upon the savings, premiums, or deposits of those persons who entertain the idea, whether realized or not, of protecting their property from fire, be extended to all similar savings, premiums, and deposits lodged with any public institution, whether insurance office, bank, savings bank, Government annuity office, or other similar institutions, provided that such savings, premiums, or deposits shall be so deposited and made, as in the case of the fire duty, with a view to the benefit of such depositor.”

By that Bill it was enacted that if this tax should be continued on persons seeking to protect their property from fire, it should be extended to similar savings, premiums, and deposits paid for the benefit of the depositors. Why should not the savings of such depositors be taxed as well as the savings through payments on fire insurance? Why should they stop short at the savings expended on the part of insurers who had for their object the protection of their property from fire? When persons made marriage settlements for the benefit of their wives and children, why not tax them? Why not tax the premiums on life insurances? How was it that the deposits in savings banks were not taxed as well as fire insurance? He could not see why Government should insist upon the continuance of such tax when its attention had been drawn to it in such a marked manner by all classes in the country—and when the House had at its disposal the means of remedying the evil by removing so great a stigma from the legislation of the country. He begged to read two short extracts from letters received by him since the last discussion, for the purpose of showing that property was not insured that might be insured, in consequence of the oppressive nature of the duty imposed upon fire insurance. In one case, the owner of fifty cottages said he had to pay his sister so much, and to pay expenses of repairs, and had insured some of his property but could not insure the whole in consequence of the duty. In another letter it was stated that a fire had occurred in the neighbourhood of the writer, where property had not been insured in consequence of the heavy charge on insurance, and persons had to subscribe to replace the property destroyed and prevent the sufferers from being chargeable upon the parish. That fact should have weight with so wise and generous a person as the Chancellor of the Exchequer. Mr. Petter, of the celebrated firm of printers, stated that for sixteen years he had not

insured his premises because the amount of duty was so great, thus rendering insurance too costly; and it was said that it would be found on inquiry that eleven out of every twelve persons acted upon the same principle. The right hon. Gentleman proposed to pay off a part of the National Debt created by the war expenditure of their forefathers, thus taxing the present generation for the benefit of posterity. They might fairly conclude that for a generation no benefit would be received from the proposal of the right hon. Gentleman, and yet he asked them to continue a tax that struck at the root of the prosperity of the country. By the perpetual barter and transfer of goods the Government was supplied with its annual surplus, and the Government should remove all fetters that harassed or prevented the continuous interchange of goods so productive of prosperity. When the right hon. Gentleman proposed to pay off National Debt out of the present system of taxation, he was called on to prove that the present system of taxation was equal, fair, and just, and that there was nothing connected with it of which the country had to complain. The right hon. Gentleman had a surplus at his disposal, which he devoted to purposes not likely to tend to the welfare of the country, and stamped with his approval existing taxation. If it were a tax upon honesty, or, as in the present instance, on prudence, the right hon. Gentleman re-imposed and re-enacted that tax. He (Mr. H. B. Sheridan), begged to quote in support of his proposal the opinion of the hon. Member for Westminster, whose philosophical views on the subject were approved of by the whole country. The following extracts were taken from Mill's *Political Economy*, edition 1865, vol. ii., p. 461 :—

"In the case of Fire Insurances, the tax was, until lately in all cases, and still is in most cases, exactly double the amount of the premium of insurance, in common risks; so that the person insuring is obliged by the Government to pay for insurance just three times the value of the risk. If this tax existed in France we should not see, as we do in some of her provinces, the plate of an insurance company on almost every cottage or hovel."

On the payment of the National Debt, the hon. Member for Westminster made the following remarks, vol. ii., p. 484 :—

"It is not desirable in all cases to maintain a surplus revenue for the extinction of debt. The advantage of paying off the National Debt of Great Britain, for instance, is, that it would enable us to get rid of the worst half of our taxa-

tion. But of this worse half, some portions must be worse than others, and to get rid of those would be a greater benefit proportionally than to get rid of the rest. If renouncing a surplus revenue would enable us to dispense with a tax, we ought to consider the very worst of all our taxes as precisely the one we are keeping up, for the sake of abolishing taxes not so bad as itself. In a country advancing in wealth, whose increasing revenue gives it the power of ridding itself from time to time of the most inconvenient portions of its taxation, I conceive that the increase of revenue should rather be disposed of by taking off taxes, than by liquidating debt, so long as any very objectionable imposts remain. In the present state of England, I hold it, therefore, to be good policy in the Government, when it has a surplus of an apparently permanent character, to take off taxes, provided these are rightly selected."

Some taxes were imposed for temporary purposes at periods when Governments were unable or disinclined to borrow money. One of them was the fire insurance duty. It was imposed on the special understanding that when the necessity had passed it should be repealed. The House had now an opportunity of redeeming its pledge, and he trusted that it would take care that the honour of the Government was maintained. The hon. Gentleman, in conclusion, moved his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a further reduction of the Duty on Fire Insurances, to which this House is already pledged, would be a better mode of disposing of a portion of the surplus of Ways and Means for the present year than the creation of Terminable Annuities proposed by the present Bill,"—(Mr. Henry B. Sheridan,)

—instead thereof.

Mr. HUBBARD said, he thought the Motion could not be considered ill-timed on an occasion when the House was considering the best means of disposing of the surplus revenue of the year. He objected to the proposal of the Government on two grounds—first, that the scheme itself was injudicious; and secondly, that the means by which it was proposed to carry it into effect were faulty. He agreed that it was as much the duty of the State to discharge its debts as it was the duty of a private individual; but there were conditions which the nation ought to insist upon before it sanctioned such an operation on the part of its Government. It must be quite clear that the process suggested was an advantageous one, that the means proposed would not prove unjust to individuals, would not inflict injury upon any class,

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and would not in any way obstruct the progress and prosperity of the country. The plan of discharging debt by way of terminable annuities was an undesirable one. The right hon. Gentleman (Mr. Gladstone) had argued that the expiration of a terminable annuity amounting to about £600,000 was a reason why the House should be prepared to repeat the operation. He (Mr. Hubbard) denied that there was anything in common between the proposal now before the House and that adopted in 1823. The operation of the income tax of 4*d.* in the pound had caused the Bank a loss of no less than £4,900 upon the last instalment which it received of the annuity. If the tax had unfortunately been 16*d.* in the pound, the loss would have amounted, on that single transaction, to nearly £20,000. Such being the case, it would be absurd to suppose that terminable annuities could advantageously be placed in the market. Alter the income tax according to the dictates of common sense and the rules of Cocker, and they might get a very different state of things. In 1860 Lord Palmerston proposed to meet a very unhappy expenditure upon fortifications. In order to mitigate the evil, he suggested that the money should be repaid within a generation. Therefore he adopted the plan of terminable annuities. He (Mr. Hubbard) took the liberty to tell the Government of that time that they would not borrow a farthing in that way in the public market, nor had they. At a subsequent period the right hon. Gentleman (Mr. Gladstone) proposed to deal in a similar manner with the savings bank funds and with a similar result. What was the present state of our terminable annuities? We had, in the first place, about £1,000,000 in life annuities. They were held by a large number of persons; to whom the loss of a portion of their capital was no object in comparison with the advantage of obtaining an assured income. There was also £786,000 made up of annuities created on account of the Red Sea telegraph, the Crimean war loan, and the fortifications loans. He wished to call the attention of the House to the cost of these annuities. In 1855 a loan of £16,000,000 was required for the Crimean war. Of that the Government borrowed a portion by means of consols and a portion by means of annuities terminable in 1885. That part of the loan which was raised in the former manner was obtained at 88, which was

equivalent to 3½ per cent. The portion borrowed in terminable annuities had cost the country no less than 5½. This was, no doubt, a startling statement. But after having had his calculations examined by one of the first actuaries in London he had placed it in the hands of Sir George Lewis (who was at the time Chancellor of the Exchequer), and he had never said that there was the smallest error in it. What was the precise proposal before the House? It was to convert £24,000,000 of a book debt, standing to the credit of the savings banks, into terminable annuities. But how did the £24,000,000 become a book debt? The right hon. Gentleman (Mr. Gladstone), pointing out the inconvenience of having savings bank money in stocks which were continually fluctuating, had proposed to make it into a book debt, which could never change in value. There was no doubt that was a highly beneficial operation. What was now going to be done was to re-convert that £14,000,000 into the most variable and capricious security that could be conceived. If the Government had called the capitalists of London together, and offered to sell them £24,000,000 of terminable annuities at the price of the day, that would at least have been a definite arrangement. What they were really going to do was to carry out a merely apparent operation in the Public Debt Office. They were merely going to substitute for the annual interest of £720,000, being 3 per cent upon a book debt of £24,000,000, terminable annuities of £1,720,000. This would render necessary the raising of another £1,000,000 a year by taxation. The object of this operation was that the £1,000,000 might be confounded in the general charge for the public debt, and thus be regarded by the nation as a charge necessary for the maintenance of the public credit. The country would never suspect that it was taken to pay off debt instead of being, as it supposed, a charge for interest. But how would this operate on the interests of the savings banks? Year by year they would receive, not the £720,000 which they actually wanted for the purpose of paying the interest due to their depositors, but £1,720,000—that is, £1,000,000 which they did not want at all. The consequence would be that year after year for the next seventeen years they would have to go into the market in order to dispose of this surplus money. They would have to invest in consols at

the market price. It might thus happen that while they were making a nominal arrangement for the redemption of consols at 88, the banks might have to buy for the purpose of re-investment at 98. The savings banks might be regarded in two lights. They might be looked on as independent bodies, whose affairs were to be administered in a manner consistent only with the interests of the bankers themselves. Or they might be regarded as mere bureaux of the Chancellor of the Exchequer. If they adopted the former view of their position nothing could be more unwise, unfortunate, or embarrassing for them, than the proposal of the Government. It might happen that there would be a drain upon the banks, as there was last year. In that case they would have nothing to convert into money but a security which, though valid, was unmarketable. On the other hand, it might happen, as he believed it would, that the increasing prosperity of the working classes would cause the deposits to exceed the withdrawals. In that case the banks, in addition to the difficulty they might have in investing the surplus, would have this extra £1,000,000 also to place out. In 1855, a sinking fund was proposed, which attracted considerable attention. But the Chancellor of the Exchequer in his Financial Statement the other day said he did not like sinking funds, and that he had always been opposed to them. There was no difference, however, between the clause of 1855, which stipulated that the House should sanction the appropriation annually of £1,000,000 to the payment of the National Debt, and the proposal placed before the House this year. The right hon. Gentleman (Mr. Gladstone), speaking of the arrangement of 1855, expressed his intention of voting against it in conformity with his strong conviction of the inexpediency of measures of that nature. The present Chancellor of the Exchequer spoke of it as neither more nor less than a recurrence to the system of artificial sinking funds, than which, to his mind, no principle could be more vicious. He (Mr. Hubbard) was not frightened at the name of a sinking fund. What was the distinction between a sinking fund and a redemption fund? A redemption fund occurred in almost every foreign loan. It might be 1 per cent on the amount of the loan, to be applied annually to the redemption of the capital. In that case it would take precisely 100 years to get rid of the

Mr. Hubbard

debt. Or it might be 1 per cent upon the loan, but growing year by year by the interest upon the proportion of the loan discharged. In that case it would only take forty years to liquidate the debt. Therefore, the accumulating redemption fund was the more desirable arrangement. The sinking fund anathematized by both Chancellors of the Exchequer, aiming at the more rapid extinction of the debt, was a fund increasing year by year by the interest upon the portion of the debt redeemed. But the peculiarity was that it invested the money in stock but never cancelled the debt, and at any time the whole of the accumulated capital and interest was at the mercy of the exigencies of the time and the discretion of the Government. If a sinking fund were carried out honestly to the last stage it would be no more objectionable than any other mode of carrying out the redemption of a debt. It was because it was helpless before a needy Government and the necessities of the nation that it had been properly excluded from all national legislation. If the House was really in earnest in wishing to reduce the debt it might do so without any of the inconvenience he had described, by substituting an issue of Exchequer bonds for the creation of terminable annuities. An issue of Exchequer bonds to the savings banks would have precisely the same result as regarded the yearly revenue to be raised, and the application of that revenue. The difference would be that the savings banks might avail themselves of security which would be marketable. There would be no confusion of capital and interest, and the operation could be carried out without any loss to the public and with great advantage to the savings banks. As regarded the question of the fire insurance duty, the right hon. Member (Mr. Gladstone) when he last spoke on the subject treated it as a tax upon property, and said that if it was removed care should be taken to replace it with something of the same character. He was not prepared to adopt that view. House property at present was taxed to the extent of 9*d.* in the pound for house duty, 4*d.* in the pound for income tax, and 3½*d.* in the pound for insurance duty. There were three taxes upon one class of property, the lowest of those taxes being nearly equal to the income tax. Was that reasonable, fair, or statesmanlike? The sooner they got rid of the fire insurance duty the better. If it could be afterwards proved that house

property was lightly taxed as compared with other descriptions of property, let the question be dealt with from that view. This was not a mere question of individual grievance or of fiscal injustice, but it had a great Constitutional and social importance. There had been a lively interest excited in the House with regard to labourers' dwellings. Did the House know how much this question affected the rental of those cottages, and therefore the amount of accommodation that could be given to the labouring classes? It was something considerable, and it had a bearing upon the Reform Bill, in reference to the amount of the deductions to be made in order to get at the rateable value of property. The Committee to whom the Valuation of Property Bill had been referred would not be able to determine the deduction which should be made from the gross value, in order to arrive at the rateable value, until the retention or removal of this duty was decided on. Nothing could be worse than the financial measure now proposed, and nothing worse than the tax by which it was proposed to raise the money for the scheme. Admitting to the full extent the duty and expediency of reducing the National Debt, it would be a disgrace to the House and to the country if they were to take the first step in that direction by stereotyping in their legislation a tax so partial and so oppressive to the industrial classes as the fire insurance duty. He did not know whether the hon. Member (Mr. H. B. Sheridan) had given any definite shape to his proposal. He (Mr. Hubbard) would suggest that on and after the 30th of June next the duty should be reduced to 9*d.* in the pound. That would have the effect of removing £450,000 from the probable surplus, but it would still leave £600,000 or £700,000 to be applied to the redemption of the National Debt through the old customary and satisfactory mode of purchase by the National Debt Commissioners in the public market. He should propose that from the 5th of April next it should be reduced to 1*d.*, retained as a means of recording the value of the real property brought under insurance. Short of that reduction they ought not to stop, and that was the proposal which he trusted the House would recommend by its vote.

MR. THOMSON HANKEY said, they were asked either to agree to the Bill proposed by the Chancellor of the Exchequer, or to consent to the Amendment of the

hon. Member (Mr. H. B. Sheridan). He had always supported the view of the hon. Member as an abstract proposition, thinking the duty excessive, and that it was most desirable that it should be diminished. But the question was, whether they were to take this opportunity of insisting upon a reduction. They had, on the other hand, to consider whether they would support a Bill intended for and certain to effect a reduction of the National Debt, and it appeared to him that they had no option as to the course which they ought to take. They found themselves in this position. By the action of the late Chancellor of the Exchequer (Mr. Gladstone), a book debt was created of £24,000,000, for which this country was responsible to the depositors in the savings banks. There was a charge created of £720,000 to pay the interest which the Commissioners for the savings banks would otherwise have received for their former investment in stock. The stock having been cancelled and the debt created, they found themselves in the position of having a perpetual charge on the Consolidated Fund of £720,000 a year. The Chancellor of the Exchequer asked, then, to get rid of that charge altogether by creating an annual charge in excess of that £720,000, which they were already pledged to provide, to the amount of £1,000,000. By making the charge £1,720,000 a year, a surplus of £1,000,000 would be created which would not be required under ordinary circumstances for the wants of the savings banks, but would be applied annually to the purchase of stock until, at the end of seventeen or eighteen years, a fund equal to £24,000,000 would be created which would then be in stock for the wants of the savings banks. At the end of that time the country would be entirely free of the charge of £1,720,000. He considered that a very desirable object. The hon. Member (Mr. Hubbard) might, perhaps, be able to show that it was possible to provide the money in a cheaper manner, but it was a great point to take any opportunity of surplus revenue to diminish the National Debt. They were very averse to making any charge upon posterity for this purpose, and they therefore objected to the measure of the late Chancellor of the Exchequer when he proposed, not only to create a charge for seventeen or eighteen years, but to continue that charge by the creation of annuities for some eighteen or twenty years longer. The present proposal was not, as

had been alleged, a fictitious payment of the National Debt—not a transfer from one account to another—but an absolute reduction by £24,000,000, and he thought it would be very unwise of the House to throw any difficulty in its way.

MR. LAING said, that the present Motion raised in a broad manner two rival principles. Whether the money had better be left to fructify in the pockets of the people, or whether it would be better to raise money by taxation to pay the National Debt. He advocated the former. He had to contend against a great weight of authority. When the late and present Chancellors of the Exchequer were against him he could only hope to succeed by raising solid arguments against their proposals. He would first explain what he meant by leaving the money to fructify in the pockets of the people. On the introduction of the Budget the right hon. Gentleman (Mr. Gladstone) suggested that he (Mr. Laing) did not seem fully to apprehend the argument involved in the fructification of money in the pockets of the taxpayers. The right hon. Gentleman's argument was that the money applied to the reduction of the National Debt was not lost, but would remain in the money-market, there to fructify in commercial and monetary operations. He might retort, in turn, that the right hon. Gentleman did not seem to apprehend his argument. No doubt the money remained in the money-market to fructify according to the current rate of interest, but money judiciously applied in the remission of taxes did a great deal more good. It was not only fruitful to the extent of 4 or 5 per cent, but to ten times that amount, by the indirect benefits it conferred. To illustrate his meaning, he would take the case of the glass duty. Suppose that the sum of £10,000 had been applied in one of two ways—either by paying off that amount of the National Debt, or by remitting £10,000 of Excise duty in the case of a certain manufacturer of that article. Would not the manufacturer enlarge his works, improve his processes, find new foreign markets, and give increased employment to his artisans at improved wages? Would not those artisans consume more taxable commodities, thereby bringing money to the revenue, and buy more of the manufactures of the country, thus giving employment to the artisans engaged in other manufactures? Would not this fructification go on enlarging itself like the circle formed by

a stone thrown into the water, and become much greater than the fructification of £10,000 applied to the redemption of the National Debt at 4 per cent? Take the case of the tea duty. Since 1850, when the reduction of the tea duty commenced, the consumption had increased from 50 lb. to 100 lb., or about double the consumption per head, thereby bringing money to the revenue. Could any one doubt that the money applied in reducing the tea duty had been better laid out than if it had been applied to the reduction of the National Debt? It had given employment. It had caused ships to be sent out to China. It had increased our export of manufactures to China and India. In any way in which they chose to trace it the principle of remitting taxes would be seen to be more fruitful and productive than by employing the same amount of capital in the bare redemption of the National Debt. The ordinary argument was, "What a proper thing it is to pay one's debts, and what a speculative or dishonest man he must be who counselled the House not to pay off the National Debt." But the analogy was a false one. There was no analogy between the debt of private individuals and the National Debt. What private person's debts consisted of perpetual annuities? If a man's property were insufficient to meet the principal of any debt he might owe, as well as the interest upon it, the security of the debt was clearly at an end. But the State owed no principal. The engagement was simply to pay a certain amount of perpetual annuity, and the safety of the State's creditor was just as great whether the annuity remained the same while the National income doubled, or whether the National income remaining stationary two-thirds of the debt were paid. The accounts of the country showed that since the great war the National Debt had decreased, while the means of paying it had increased threefold. He would refer to a few figures for the purpose of illustrating the views which he entertained upon that subject. He found that in the year 1815, at the close of the great Continental war, the sum assessed to the income tax in this country was £157,000,000, while the burden of the National Debt was £32,500,000 a year. But in the year 1865 the sum on which the income tax was assessed had increased to £318,000,000, while the incidence of the National Debt had diminished to £26,000,000 a year. So that

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the public debt had actually diminished, while our capacity of paying it had in round numbers increased three-fold. That was the result of adopting the policy he advocated—the policy of allowing the money earned by the people to fructify in their own hands. It should be clearly understood that there is no magic in the form of terminable annuities. By which-ever means it was proposed to pay off the Debt, whether by terminable annuities or by a sinking fund, the proposal simply consisted of raising money by taxation in order to invest it at $3\frac{1}{4}$ per cent in the purchase of Consols. Strong denunciations of sinking funds had fallen from the Chancellor of the Exchequer, but really little difference could be found between sinking funds and terminable annuities, except that the former had a bad name, owing to the erroneous idea that it was necessary to keep up a sinking fund in bad times, which, of course, incurred the obligation of borrowing with one hand what was paid with the other. If in the time of the Crimean war the proposed scheme had been in operation, presuming that £20,000,000 had been in course of liquidation, instead of paying 3 per cent upon it we should have had to borrow at the rate of 5 per cent to pay off, so that there would be a loss of £2 per cent, or £400,000 a year, and if a loan of £10,000,000 had been required we should have had to go into the market for a loan of £10,400,000. This clearly showed that the system of terminable annuities was worse than a sinking fund. It compelled the State to go on paying the annuities and liquidating debt in bad as well as in good times. In the case of a properly-constituted sinking fund, however, the process of liquidation could be stopped in cases of exigency. So that a scheme of terminable annuities was simply a bad form of sinking fund. Twist and turn the matter about as you please, it came to this simple question:—Is it worth while to levy money by taxation on the people in order to invest it at $3\frac{1}{4}$ per cent in the purchase of Consols to redeem the National Debt? The negative answer had great names to support it. The maxim with which he had started owed its name to one of the greatest economists, the late Lord Sydenham. It was the principle followed by Sir Robert Peel during his long career of successful legislation. The result had shown the soundness of the theories adopted by these great authorities. From 1815 to 1865 wealth had increased

three-fold. Commerce, as represented by imports and exports, had increased five-fold. The burden of the Debt had diminished three-fold. An instance of the exceedingly productive nature of the application of money in the way of reductions of taxation was to be found in a study of the amounts between 1850 and 1864. During that period taxes had been reduced to the extent of £10,670,000. During the same period the revenue had increased by £13,000,000; so that there was a positive gain of £23,670,000. If through that period we had acted upon the principle of paying off the National Debt, the surplus we should have had available for that purpose would not have amounted to more than £2,000,000 or £3,000,000 a year. The sum thus paid off could not have been more than between £30,000,000 and £40,000,000. Would that be an equivalent for the French treaty, for the reduction of the duties on tea, sugar, butter, cheese, eggs, fruit, timber, hops, wine, newspapers, advertisements, and all that long catalogue of remissions of taxation which had been effected with such immense benefit to the people of this country? If such results had been attained in the past, why should they not, by the adoption of the same policy, be attained in the future? It might then be considered with reference to the fire insurance duty, which was certainly a duty on the provident. He found from the Report of the Inland Revenue Commissioners for the last year that the duty, which was formerly 3s., had been in 1864 reduced to 1s. 6d. Since that reduction the value of property insured had increased from £1,166,000,000 to £1,311,000,000, making an increase of £145,000,000. Judging from this, a uniform reduction of duty to 6d. would probably reduce the income from £942,000, the present produce of the tax, to between £400,000 and £500,000. The rate of increase in the property insured would be accelerated, so that in ten years it would exceed what it is now. Would not that be a better mode of employing the sum of £500,000, which would be the amount of the loss in the first instance, than its application to a reduction of the National Debt? If they paid off £500,000 a year, that would only give a reduction of the Debt to the extent of £5,000,000 at the end of ten years, and the interest on that sum would be £150,000 a year. That would be a bad investment compared with the diminution of a public

tax to the amount of £500,000 a year. A far better investment was that which, by lightening the burdens of the people, brought back the revenue to its old position in ten years. Of other taxes which were objectionable, he might mention those on locomotion, which the right hon. Gentleman (Mr. Gladstone) had admitted were taxes on the raw material of labour. The Inland Revenue officers complained of the difficulty of collecting the tax, and pointed out that since '79 the burden had been shuffled from the shoulders of the rich to the poorer classes. If the House desired to get credit for magnanimity by paying off the National Debt, let it cast the burden on those who could bear it, as by an extra penny on the income tax. He deprecated the earning of credit for magnanimity and fine feeling at the expense of poor women and the wives and children of the labouring classes, who had to walk through the muddy way from railway stations because our system of taxation would not allow a cheap omnibus or fly to take them home. The total amount of the post-horse duty was but £158,566. To furnish a single instance of injustice. Omnibus companies paid duty at the rate of 11 per cent, while railways only paid at the rate of $2\frac{1}{2}$ per cent on their net profits. Yet omnibuses were emphatically the conveyance of the middle and lower classes. The opportunity for revising all these taxes had been thrown away, because financiers had chosen to take up new-fangled notions of paying off the National Debt. Another portion of our financial system imperatively calling for revision was the taxation levied upon licences for the sale of articles of large consumption. It was desirable to simplify as much as possible the intermediate machinery between the importer and the consumer. The licence on tea in houses below £8 had been reduced to 2s. 6d. But in houses above £8 it stood at 11s. 6d. That was no inconsiderable figure, especially when the object ought to be to sweep away all such restrictions, to multiply tea-shops in every village, and so open up to poor widows and persons in that class suitable occupation. There were 170,294 persons paying tea and coffee licences. The whole amount they contributed to the State was but £66,000. Why, again, should attorneys pay licence duty, which was not paid by doctors or other professional men? Why should auctioneers, men whose business it was to sell houses and furniture, pay duty, when men might sell cotton, sugar, or

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shares without any similar restriction? There were other petty charges of a singularly vexatious and at the same time unprofitable character. Soap-makers paid a licence duty yearly of £1,234, vinegar-makers of £330. What was the sense or use of keeping up trivial and invidious charges like these? These and similar imposts still to be found in the statute book—small in amount, but vexatious in operation—this year's surplus presented an admirable opportunity for sweeping away. The prospects of peace seemed now more assured than ever. With peace estimates what a vast amount of good might have been accomplished! Some real impression might then have been made upon the National Debt. The great problem of substituting a beer tax for a malt tax might have been faced, or the tea and sugar duties, which still, notwithstanding all the reductions, were 40 to 50 per cent *ad valorem*, might have been further reduced. Taking the Estimates as they stood even, the fire insurance question and the taxes on locomotion might have been dealt with. And why had this not been done? The reason must be found in the desire to do something sensational in the way of finance. Last year an excuse was afforded by the apprehended exhaustion of coal, an apprehension that seemed to have gone off in smoke. This year the example of the United States was put forward conspicuously. He admired as much as any man the energy with which the enormous war establishment of that country had been reduced in a few months to a peace footing, and still more the spirit which made such a reduction possible. Nothing could be more honourable than the way in which American officers had subsided into simple citizens, earning an honest livelihood by peaceful pursuits, instead of trying to keep up large armies and foment revolutions, with a view of maintaining their own influence, as was too often the case in Southern America. But, in looking at the example of America, the House must be on its guard against false comparisons. In the first place, America had adopted an inconvertible currency, which was heavily depressed, and no nation could be said to be really paying its debts as long as the currency stood at 25 or 30 per cent discount. Then, again, nobody could doubt that the Customs revenue was levied not so much with a view to the amount it yielded as for the purposes of protection.

Any proposals for reduction would be opposed by the whole manufacturing interests of the North and East. In financial questions they must never jump too hastily to conclusions. The saying of the Grecian sage that nobody could be accounted happy before his death was applicable to all financial experiments, and we had not seen the last of such experiments in the United States. The last accounts showed that under this stimulus of inconvertible paper currency the cost of living had increased to such an extent that the working classes were combining to get a higher rate of wages. And what was the consequence? That important branches of industry were deserting the United States. It by no means followed that with its fertile soil, its mineral wealth, and the energetic character of its people, America was about to relapse into poverty. But vital blows had been struck at many branches of national industry. Take such a branch as shipbuilding. Before the war America was one of the foremost countries in the world in the art of shipbuilding, which was so important to her in a mercantile and in a national sense. But shipbuilding had been to a great extent driven away by those high rates. Did the extinction of a portion of their National Debt repay them for the loss of a trade forming so material an element in their mercantile and maritime greatness? He thought not. It was by no means clear that the policy adopted by the United States of keeping up these excessive taxes since the conclusion of the war would conduce to the ultimate prosperity of the nation as much as the more sober and moderate course taken by this country at the close of the great war of 1815. We should persevere in that policy. He thanked the House for the patience with which they had listened to his remarks. Standing upon the broad lines of the Financial Constitution, he gave his hearty approval to the Amendment, looking as he did upon the proposal for the reduction of the National Debt—to borrow an expression of his right hon. Friend (Mr. Gladstone)—as “not new, but new-fangled.”

MR. GLADSTONE: In answer to my hon. Friend, who so emphatically asks us to reject this Motion, I would say it is not new-fangled but old-fangled. It is the proposal of the Chancellor of the Exchequer, and it seems rather hard that the right hon. Gentleman should be accused of doing something sensational merely be-

cause I, who am not in his confidence or in any relation with him as to the preparation of this measure, have been so unfortunate as to wound my hon. Friend by a reference to the United States. I will not question how far my hon. Friend may be justified in imputing to me a desire to do something sensational as the basis of the action which I took last year as a Minister of the Crown. My hon. Friend is certainly not the most charitable or complimentary in his suppositions. I shall by-and-by inquire how far there are palpable or even probable appearances to justify these suppositions. But nothing can be more unjust than to ascribe to the Chancellor of the Exchequer a sensational desire to copy the United States merely because I said that the United States were making a great effort to pay off their National Debt. My hon. Friend understands the affairs of the United States a great deal better than the people of those States. He has therefore shown that they have gone altogether abroad in their course, and that they would have acted more wisely if they had abolished taxes and made no effort to reduce the amount of the Debt. He may be right in that opinion, but the probabilities are rather against him. There is a presumption that with regard to the management of their domestic affairs the people of the United States would be as competent judges of the policy they ought to pursue as we are. But when he says that there can be no inference justifying us in citing the example of the United States because of their depreciated currency, he must recollect that we began to pay off our National Debt with a depreciated currency, a state of things which existed long after the close of the revolutionary war. Then he speaks of their financial schemes as bound up with and reposing upon an elaborate system of protection. Does my hon. Friend mean that Customs duties are the principal source of American revenue? The principal source of American revenue is an inland revenue of an elaborate, and, in some cases, of a most vexatious character. But I did not allude to the financial affairs of that country with the object which my hon. Friend's observations might lead the House to suppose. My reference to America was to show that a great nation was making present sacrifices for a future good. But I take my hon. Friend to task as to his charge that this proposal is sensational. If I were inclined to excite people's passions I should draw a picture of a widow without

boots trudging home through the mud in consequence of the taxes on locomotion, and propose a repeal of those taxes, rather than submit a proposal for the reduction of the National Debt, and a consequent limitation of the burdens of posterity sixty years hence. I confess that I think the sensational qualities—the powers of producing sensation by painting and colouring—exhibited by my hon. Friend in his speech, equal anything I ever heard in this House, and are far beyond anything I ever aimed at or could succeed in acquiring if I did aim at it. Sensation has reference to the present; the reduction of the National Debt to the future. My hon. Friend's arguments go beyond his conclusions. He tells us that we are pandering to sensation if we confer benefits on the country, the full realization of which will be felt only by those who are to live in the distant future. His arguments go against our doing anything to reduce the National Debt. Those who agree with my hon. Friend, and argue that we ought to do nothing to reduce the Debt, but that every penny of surplus ought to go towards the abolition of taxes, are much more likely to produce a sensation than those who advocate measures the full benefit of which will be felt only by our posterity. In one point I agree with my hon. Friend. I concur with him in thinking that if the House determines on upsetting the Motion of the Chancellor of the Exchequer, there are a great many questions of taxation which it will be necessary for us to consider. But supposing the House to go so far as to take out of the hands of the Chancellor of the Exchequer the regulation of the finances of the country for the present year. I must decline to be bound by the terms of a Motion on which we are not called upon to vote; but which, if we were about to vote on it, would raise the question of the fire insurance duty. The question of that duty is not before us now. The question now is that the words proposed to be left out stand part of the Motion—or, in other words, whether or not we shall have the measure of the Government. Though I do not draw a picture of a widow trudging through the mud, I have before expressed my opinion that there are other taxes, such as those on locomotion, which I should be disposed to remove rather than adopt the Motion of the hon. Member (Mr. Sheridan). But there is another tax to which I should feel it my duty to call the attention of the House if the plan of the Chancellor of the

Mr. Gladstone

Exchequer were rejected. It is a tax not much heard of in this House. I mean the tax on corn, than which, in my opinion, there cannot be a much worse tax. I grant that it is very limited in amount; but when we say that, we say all that can be said in its favour. It is a tax which raises the price of the article at home; it is a tax on an article of the first necessity; it is a tax the effect of which is to prevent this country from becoming what it ought to become—I mean the great *entrepot* for the corn of all the nations of the world. There has been laid on the table of this House a Return which I hope has attracted the attention of the right hon. Gentleman the Chancellor of the Exchequer. It discloses this remarkable fact—that owing to the fine we levy on the corn which enters our ports the export corn trade of this country, the *entrepot*, the carrying trade, remains now, after the commerce of the world has multiplied three or four times, of the same paltry dimensions as it was forty or fifty years ago, in the days of the old sliding scale. There are many other subjects which are worthy of being examined, and I certainly think our attention ought to be directed to more than one quarter of our financial policy in preference to that now presented to us. My hon. Friend (Mr. Laing) pointed out other subjects. Some of our licence duties are objectionable. I may allude especially to that in connection with the article of tea. I cannot say that the claims of the attorneys appear to me to be very strong, even in comparison with the claims of posterity, with whom I would leave it to consider them. But my hon. Friend seems to be equally in love with the attorney and with the widow who trudges in the mud. I think, however, that he is right in assailing some of those licences, because I think the principle a sound one—that when we have admitted an article, it is our direct interest to promote its cheap distribution by allowing it to be offered with perfect freedom among all classes of consumers. Therefore I think the tea licence a tax of which the removal would be highly desirable. The article of tea is one which yields you an immense revenue, which you invite to enter your ports, and when an article is one of primary necessity it is in the interest of the State to promote its general consumption, and its being offered with perfect freedom and facility by all who may choose to deal in it. My hon. Friend is a defender of the principle of fructification

in connection with the public revenue. He entered into the question of the fructifying and the non-fructifying principles, and he charged me with not understanding the fructifying principle. But he has not looked back to the time when the discussion on fructifications first took place. The principle was not confined within the limits contended for by my hon. Friend. He drives or rides it so hard that he would be by no means satisfied even should he prevail on the House to reject the Bill of Her Majesty's Government. He contends that all application of surplus revenue to the reduction of the National Debt in our circumstances is bad. It is quite evident that such is the scope of his argument. He has pointed out vast operations which he thinks desirable—the commutation of the malt tax into a beer duty, the removal of the duties on tea and sugar, and he proposes to consider all this in connection with the application of money to the reduction of the National Debt. His plain principle is that it is utterly unwise to apply a single sixpence in this direction. But is that so or not? He quotes the authority of Sir Robert Peel, but with what justice? Where did he ever learn, how could he possibly extract any such principle from the statements and declarations of Sir Robert Peel? When did Sir Robert Peel lay down that it was an imprudent thing to apply any of the surplus resources of the country to the reduction of the National Debt? His great object, from the time he became Prime Minister, was to get funds for that purpose. At the close of that Administration, Mr. Goulburn, the Chancellor of the Exchequer, delivered a lucid speech in which he applied himself to showing how far he had been able to work on any portion of the National Debt. My hon. Friend has taken a course calculated to bewilder the House in quoting the opinion of Sir Robert Peel as if he had been friendly to extreme doctrines which he would now have us adopt. In endeavouring to get the House to adopt his view, that no portion of the public resources should be applied to the reduction of the National Debt, my hon. Friend says that he is walking in the old ways of the Constitution—a rather sensational expression. But he is arguing against the old principles of our finance. It has been a principle of our finance for the last 100 years to operate on the National Debt. In its beginning, the National Debt was not meant to be perpetual, but was raised

only in the form of annuities. The principle of the measure before us is not a new one. It is a very modest and timid attempt to re-establish in part the fixed policy of the country, of applying year by year in a steady and permanent way some portion of the public revenue for the reduction of the Debt. What my hon. Friend calls a new-fangled proceeding is one which has been long established in this country. So far back as 1827 we paid off a considerable sum in the form of terminable annuities. By the year 1834 we had paid off to the amount of £2,000,000. From 1834 to 1858—all through the Government of Sir Robert Peel—so rapidly had the sum risen that in 1858 it was nearly £3,500,000. After 1858 the payments fell off. In the year 1860-1 they stand at £1,292,000. It is clear that the fixed policy of this country has been to apply a portion of our revenue to the reduction of the National Debt. How therefore can my hon. Friend call this proposal a new-fangled one? This policy has prevailed not only under every Government for the last 100 years, but has been approved by all political economists. It has been cordially and heartily carried into effect by all the great financiers of recent times. The Bill of the Chancellor of the Exchequer proposes to repay a portion of that amount. With respect to the general theory of fructification, all that can be said is, if money does fructify in the pockets of the people as it fructifies in the speeches of my hon. Friend, then its fecundity and the rapidity of its generation must be something marvellous. I do not comprehend how he arrives at the conclusion that the money will fructify so rapidly as he alleges will be the case in the event of the taxes of which he complains being reduced. He says that if we reduce the fire insurance to 6*d.* the revenue would be replaced in six, seven, or, at the outside, in ten years. I have no right to question the conscientiousness of his belief; but I am totally unable to comprehend the steps by which he arrives at his conclusion. He appears to take no note of the annual increase in the amount of property insured under the present state of things. This increase would of itself upset his theory. It having been my duty to apply myself for years to the study of these questions, I may say that I have never attempted to uphold this tax on the ground of its possessing any special merit. But there are few taxes against which the arguments

that have been used against this tax may not be urged. Deal with the question of fire insurance as you will. But do not deal with it on the supposition that any sweeping reduction you may make will be replaced by an increase in the value of property insured. Such an anticipation is as visionary a one as has ever been held out by an amateur and speculative financier to a deluded, although, perhaps, delighted, audience. The hon. Gentleman sums up his arguments in this sentence:—"In years when you have a deficit you will have to borrow as much more than your deficit as will enable you to repay the debt." I deny that altogether as being a sound financial and economical proposition. The nominal difference between stating in an Act of Parliament that £1,000,000 shall be paid out of the Consolidated Fund every year for the reduction of the Debt, and saying, as the Chancellor of the Exchequer invites us to do, that certain terminable annuities shall be sold and £1,723,000 paid, of which £1,000,000 shall be for the re-payment of capital, is really none. The nominal difference between an Act of Parliament directing that a certain sum shall be paid annually out of the Consolidated Fund toward the reduction of the National Debt and a proposal to pay off an equivalent sum by means of selling certain terminable annuities is nothing. The practical difference between them, however, is great. Whenever Parliament enacts that a certain sum shall be re-paid annually out of the Consolidated Fund for the purpose of reducing the National Debt, when the occasion arises Parliament repeals that enactment. But when Parliament enacts that certain terminable annuities shall be sold, the sum so raised is applied to the reduction of the Debt, and to that extent the Debt is reduced. The one plan is a delusion and the other a reality. Another very important difference between the two plans is this:—When Parliament enacts, as it did in 1855, that it shall be the duty of the Chancellor of the Exchequer to come down to the House with his Budget each year and provide £1,000,000 for the purpose of reducing debt, it is found in practice that objections are raised to the allocation of the money as designed, and the £1,000,000 is struck out. In times of difficulty the House invariably rejects any proposal of the Chancellor of the Exchequer for money to be applied towards the payment of the National Debt. Consequently, the taxation of the country is not settled

with a view to the provision of that sum. The level of taxation is not raised; it remains exactly where it would have been. If there happens to be a surplus the £1,000,000 will be paid. If there is not, it will not be paid. The normal level and scheme of taxation of the country is not altered one whit to meet the effect of a legislative provision of this kind. But when terminable annuities to a certain amount are issued we have a charge to provide for. It becomes a portion of the permanent charge of the country. These permanent charges, together with the charges voted in Supply, are the very facts and elements which determine the scale upon which the permanent and average revenue of the country is fixed. Consequently, if we insert in our charge for the National Debt £1,000,000, £2,000,000, or £3,000,000, although, in one point of view, it will be the same thing as providing by statute that the Chancellor of the Exchequer shall every year ask the House for the money, the difference in practice is all the difference in the world. These £3,000,000 are provided for as part of the wants of the country. It is not until these £3,000,000 have been met, just as any other public charges are met, that the region of deficit is approached. Then there is one case which must arise, which is the case of casualties. Here I must come into conflict with the hon. Member (Mr. Hubbard). The hon. Member is the most inveterate antagonist of any scheme of this kind, and he uses it most cruelly. He began his ingenious speech by raising all manner of arguments against this proposal, on the ground of the injustice of the incidence of the income tax. But as these annuities are not to be sold in the open market, the question of the income tax does not touch them. He then finds fault with them because they are not to be sold in the open market. But why should this be a subject for reproval? In this economical process, be it what it may, there is not the possibility of the loss of a sixpence. It is a book transaction between the Chancellor of the Exchequer on behalf of the Exchequer account of the annual expenditure and revenue of the country, and the Chancellor of the Exchequer as the great banker for the deposits of the people. And this brings me to the mode in which the plan will operate in the case of casualties. When a casual deficiency arises the Chancellor of the Exchequer meets it in one of two ways. If his balances in the bank are sufficiently

large he pays it out of them, and if they are not he raises money upon Exchequer bills or bonds from the bank. He is from year to year receiving money for investment. That money he will apply to meet the deficiency of the Exchequer account by issuing Exchequer bills to the National Debt Commissioners in satisfaction of this Debt. It is not until the very moment when the deficiency upon the annual Exchequer accounts exceeds the ordinary sum which, as a banker, he requires to invest that the slightest question of borrowing can under any circumstances arise in connection with the adoption of this plan. The question of fire insurance is so mixed up with this Bill that I shall not attempt to show what would happen with a given sum of money in each of four cases, when the banking account and Exchequer account is in surplus, when the banking account is in surplus and the Exchequer account in deficiency, when the banking account is deficient and the Exchequer account in surplus, or finally when both accounts are deficient. But I am sure I could show the House that the objection as to casualties has no application whatever to a policy of this kind. Under no circumstances could any of those practical considerations upon which turned the adverse judgment of the House against the old sinking fund apply to this scheme, which will be worked entirely between two different accounts, both of them kept and managed for the interest of the nation. I do not condemn the plan of the late Sir George Lewis. There might be an answer to the objections urged against it. It was said that while he could have raised money by Consols at $3\frac{1}{2}\%$, or something less per cent, he raised it upon annuities at $5\frac{1}{4}\%$. Supposing that were true, the State did not lose a shilling by the transaction. It had the power of fixing the price of the annuity, and it did not matter to the bank depositor what that price was. The management of it, however, is a totally different matter, because the State is the sole person who has any beneficial interest in it. If it should lose, as is very improbable, by any improvident management of the Exchequer accounts, the whole amount so lost would be made good by the profits realized on the banking account. And here I wish to correct a statement of the hon. Member (Mr. Hubbard), with respect to the account he gave of the institution of the book debt of £24,000,000. The hon. Gentleman said that it was instituted by me for the pur-

pose of making the assets of the savings banks less variable, instead of allowing them to fluctuate from year to year, as they did at the time when they were invested in stocks, the price of which was constantly varying. That was not the object I had in view, and it was altogether of secondary importance. There was a heavy deficit on the assets which the State held in order to meet the claims of the savings banks. With the view of meeting that deficit, I proposed that we should convert £100 Consols into £100 cash, and that it should be met as cash. That was the main object I had in view—the filling up the void of real deficit. My hon. Friend says this is a bad method of proceeding as regards the interests of the savings banks. But the savings banks properly so called have no interest whatever in it. It is merely a question of regulating the banking account, and I think this is the best method which could be devised for that purpose. Without entering into any minutiae in regard to the peculiarity and technicalities of the question, I apprehend that it is a tolerably clear principle that the banker wants to have his money returned fast upon him, or else to have securities which are easily convertible. [Mr. HUBBARD: Hear, hear!] Well, the two things are closely and immediately connected. [Mr. HUBBARD: In State securities.] Well, it can hardly be said in the present state of things that State securities are easily convertible. Fifty years ago, when the Bank rate of discount was, I believe, never below 4 or above 5 per cent, it was of course easy to have temporary securities under the name of Exchequer bills, on which a certain degree of price might be reckoned. But how, consistently with the limitations which you must impose on the financial department, are you to have these temporary securities on the part of the subject at all times immediately convertible in large quantities, when the rate of discount at the Bank of England ranges from 2 or 3 to 9 or 10 per cent, and then down again in the course of a few weeks or months? The thing is impossible. The drain on the savings banks is a normal drain. It is not an accidental drain. Unless I am very much mistaken, it has been going on for years past with little difference. The truth is that it is a note of change, and shows that the class of people who formerly used to invest in savings banks are dissatisfied at the rate of interest they obtained. That is not an

unsatisfactory state of things. It arises out of the increasing intelligence of the classes in question, who are not now obliged to confine themselves—if I may use a common expression—to what is under their own noses, but are able to exercise a larger and wider judgment with respect to investments. The drain arises out of the rate of profit, which has become a normal fact in the monetary condition of this country. If this matter be examined the House will find that nothing can be more convenient, as a practical arrangement, than to have the means of the old savings banks rapidly returning in order to meet the demands of depositors. As regards the remarks made by the hon. Member (Mr. Sheridan), I may state that it is not my intention to advert to all the points touched upon by the hon. Gentleman, but I must say that he was inaccurate in his reference to the Bill of last year. He said it did not pass the second reading, whereas, the fact was, that it was read a second time on the 24th of last May.

MR. H. B. SHERIDAN: But the Amendment was to have been taken on the next stage of the Bill.

MR. GLADSTONE: I beg the hon. Gentleman's pardon. The Bill was read a second time after considerable discussion. The hon. Gentleman argues enthusiastically that the tax on insurance prohibits the preservation of property from destruction. I confess that appears to me to be a new view on the subject—that insuring a house prevents it from being burnt down. If that be so, insurance is not what I took it to be—namely, a very ingenious and useful scheme of reducing losses to individuals by apportioning them among the community. The hon. Gentleman, however, thinks that it is a mode of preserving property from destruction.

MR. H. B. SHERIDAN: By replacing the property.

MR. GLADSTONE: But it does not replace the property, it replaces the property, indeed, as far as the individual is concerned, and a very good thing too. But do not let us exaggerate the matter, and say that it prevents fires.

MR. H. B. SHERIDAN said, that the two propositions were substantially the same.

MR. GLADSTONE: Well, I am unable to perceive that the two propositions are identical, but I will not continue to discuss the matter. I will only say that,

Mr. Gladstone

in my opinion, insuring property against fire does not prevent that property from being burnt down. Then the hon. Gentleman urges that the fire insurance duty is a tax upon prudence. The very great ingenuity of the hon. Gentleman in dwelling on this point would, if extended to other imposts, be enough to make the minds and consciences of hon. Members excessively uneasy respecting the retaining half the taxes in the statute book. Indeed, there are only a very few taxes which may not be said to operate as taxes upon prudence. What, for instance, can be said of a tax which fines a man for selling his property? Is not that a tax upon prudence? It could not be said that the tax is a light one, because it is as much as 10s. on the sale of property the yearly value of which is only £3, or, in other words, one-sixth of the whole year's property. That, then, is a tax upon prudence. What is really to be desired—and I plead for it now as I did when I held an official position—is that we should not be driven into partial and peculiar views of the operation of particular taxes without recollecting—what had been most impartially referred to by my hon. Friend (Mr. Laing), but what is never mentioned by the habitual and sworn advocates of the reduction of a particular tax, who always so heighten the description of the particular case they have to submit for consideration that for the moment one feels almost ashamed to maintain the tax—that there are other taxes not immediately before us. If all the enemies of taxes had one week given them during which the House should do nothing but listen to the objections raised to particular taxes, we should be so dismayed and discomforted in mind and spirit that we should be inclined to sweep away one moiety of all the taxes. Let us, however, re-establish our equilibrium, and let us always bear in mind when we hear of a particular tax that there are other cases which would appear equally hard if they were examined and exposed with equal ability and zeal. Let us recollect this before we are driven to a conclusion. Above all, we should recollect that it is a serious matter for us to impugn, on the consideration of a question of this kind, the policy so long established in this country, and I must say so happily established, as the policy of applying moderate sums from public sources towards the reduction of the National Debt. We are told that this is working for posterity. But we are indebted to far-sighted

and deeply-thinking men like the hon. Member (Mr. Stuart Mill) for reminding us of the nature of the obligation we owe to posterity. Independently, however, of these philosophic views, there is no greater fallacy than to say that the policy of paying off from time to time portions of the National Debt is limited in its advantages to posterity. Nothing does more to maintain a system of credit and to improve the value of property in the country than a policy of this description. I admit it is not to be carried beyond moderate bounds. It is at present within moderate bounds. Do not let us accede to a vote amounting practically to a condemnation of that policy—a condemnation alike injurious to posterity and to ourselves.

MR. SCOURFIELD said, that on a former debate an hon. Member had called attention to the fact that all the advocates for the payment of the Debt were Members of large towns. Though he was not a Member for a large town he was as great a supporter of the National credit as any Member for a large town could be. There was one expression which had been used on the other side which he thought had for ever been erased out of the Parliamentary vocabulary. He meant the “fructification” of the Debt in the pockets of the people. That phrase, he believed, was first used in this house by the late Lord Sydenham, then Mr. Poulett Thomson. Though he (Mr. Scourfield) was not then a Member of the House, he remembered how Sir Robert Peel overwhelmed the phrase and its author with merciless ridicule. “Hear this,” he said, “ye Chilian bondholders and other people not paid your dividends.” Parodying Sir Robert Peel’s language, he (Mr. Scourfield) might say, “Hear this, ye London, Chatham, and Dover bondholders, and take comfort. Though you are receiving no money yourselves yet rejoice that your money is ‘fructifying’ in the pockets of other people.” There was a feeling in the minds of some hon. Gentlemen opposite akin to what was said when some Gentlemen met to discuss the ruin of one of their friends, and one of them said, “What can you expect from a fellow who has muddled away his property in paying his tradesmen’s bills?” He took a different view of the matter. While he agreed with Mr. Burke, that though honesty was the best policy, the man who was honest only from the motive of policy was not an honest man; yet he held with the principle in that limited sense, that it

would not only be right but a matter of policy that they should reduce the debt. The real want of the country at the present time was not money, but credit, which had been sorely shaken by recent events. He concurred, therefore, in the policy of applying the surplus revenue to the reduction of the National Debt. It might be said that this was infinitesimal in amount, but the aggregate was not infinitesimal. Neither was the principle. An act of self-denial might be a small matter while the habit was all-important. If that policy were to be given up there were other taxes which had superior claims to the tax on fire insurance. There was the malt tax and the tax on hackney coaches, which it was stated in the House recently, paid a tax of 1s. a day to the Imperial taxation. With regard to the fire insurance tax he thought the advocates were indiscreet in taking too high grounds for its repeal. It was said to be a tax on prudence—it might as well be said to be a tax on luxury. The hon. Member (Mr. Sheridan) had himself given them another view of the matter, when in a former debate he described fire insurance as nothing but a bet between the fire insurance office and the individual, when the office bet twenty to one that the individual’s house would not take fire within the year. He was not enamoured of the duty, but many other taxes had quite as good a claim to be repealed. It had a fair claim for consideration whenever there was an available surplus to deal with it. But he protested against its being brought into competition with the reduction of the National Debt. It did not affect the credit of the country. The payment of the Debt affected their credit. If their credit were shaken by the idea that the House was not ready to do what it could in the way of payment, the fiscal consequences would be as surely disastrous as would be the consequences on the national morality.

MR. THOMAS CAVE said, he would not attempt to criticize the very able speech of the right hon. Gentleman (Mr. Gladstone); but he was bound to say, after listening to it with great attention, that he had not answered, perhaps because it was unanswerable, the very logical and able speech of the hon. Member (Mr. Laing). He criticized it with great power of sarcasm, but he did not touch its essence, which was this:—not that the National Debt should not be paid off, but that it should not be dealt with while taxes impeding the prosperity of the nation re-

mained on the statute book. The right hon. Gentleman said that transactions of this sort involved no loss whatever to the public Exchequer. But the hon. Member (Mr. Hubbard) had shown conclusively that loss to the Exchequer did result. He was in favour of paying the Debt, and the object would be worth living for if it could be effected. But he disagreed with this Bill. In the first place, he objected to the time when it was brought in. When in the Slave States of America in 1859, he lived as much as he could among slaves, to ascertain their views, feelings, and wants. He was introduced to a slave of great wealth—a man who could easily have purchased his freedom. He asked him why he did not free himself from slavery, having the means and knowing the desirability of freedom; but his reply was, “You do not understand, I am an old fellow and every year I grow older I grow cheaper; let me alone, I will yet purchase my freedom.” The constant meddling with the National Debt had been the great reason why it had not gone down to its minimum. Now-a-days few people would be content with 3 per cent for money, and the reason that investors were not more plentiful was not that there was no more money in the country, but because they could not trust those in whose hands it would be put. It was said that buying up the Debt of the country maintained its credit, so that in time of pressure—he supposed that meant time of war—we could raise in the market the money we required. But he had no anxiety to facilitate war. In the past it had been our curse that our credit had been so good that we could raise the money to go to war. He did not think that these investments in the Debt of the country answered their purpose, for when the country was in difficulties and large advances were required we must pay the market price for money. Supply and demand alone would govern the matter. The mode adopted of dealing with the Debt was unworthy of a great conviction and of a great nation. The comparisons which had been made between fundholders and railway-shareholders could not be sustained, for the fundholders purchased perpetual annuities, but railway investors lent their money for a short time and had a right to expect re-payment at the expiration of that period. If we entertained a conviction that the Debt ought to be dealt with, let us deal with it energetically, for it was by no means beyond the control of the purse

of the nation. We could deal with it in an almost incredibly short time if we handled it with the energy we did war and other great questions. Last year the hon. Member (Mr. Stuart Mill) almost demonstrated that our power of paying off the Debt would be co-existent with our supply of coal, 83,000,000 tons, which at the present rate of expenditure would be exhausted within a century. It was a natural and logical suggestion to make that the payment of the Debt should be connected with the coal supply. A farthing a ton on the coals at the pit's mouth would yield £86,500,000, and $2\frac{1}{2}d.$ or $2\frac{1}{2}d.$ a ton would yield £865,000,000 during the consumption of the coal. Such a tax would pay off the National Debt with the least possible inconvenience to the country. It was the raw material, but we must tax something. There would be extreme simplicity in the collection of this tax. The coal supply was in few hands, and the returns were easily obtainable. The coal owners would have no cause to complain, for it was acknowledged that it was the consumer and not the producer that paid the tax. Such a tax would induce economy in the use of coals. It would also annually give a surplus in the saving of interest on the Debt which could be applied in the reduction of other taxes, such as the malt tax and fire insurance duty, until we arrived at a fiscal millennium.

Mr. GORST said, that there were two questions, whether we should pay off the National Debt at all, or whether we should do it in the particular mode proposed. He would speak of the latter. It could only be done by having surplus revenue. Terminable annuities and a sinking fund were mere measures for keeping up the surplus. The liability of the Government towards depositors in savings banks could not be altered, but we might change the mode in which we enabled the Commissioners to discharge it. At present the liability was measured by a book debt of £24,000,000. To meet it Parliament provided £720,000 annually. The Chancellor of the Exchequer proposed that they should measure the liability by terminable annuities instead of by a book debt, and that the country should pay annually £1,776,000. By this arrangement the Commissioners would have every year £1,056,000 more than enough to discharge their liability, and the proposal of the Chancellor of the Exchequer was that this sum should be applied to the extinction of the National

Debt. It appeared to him that the scheme could not do much harm, unless the Commissioners were to be looked upon in the light of purchasers and not in the light of a department of the office of the Chancellor of the Exchequer. If the Commissioners were an independent contracting party, it would be a monstrous injustice to turn their book debt into terminable annuities. Harm might be done if, owing to a run on savings banks, these terminable annuities had to be sold in the open market to real purchasers, for the probability was that great loss would be incurred. Very great harm might be done if the House was, as some hon. Members seemed to think it was, pledged to the payment of this money, and to maintain this surplus until the terminable annuities ran out. Pressure might arise, war might break out, the revenue might fall short, and the charge of £1,000,000 might become a serious matter. When the right hon. Gentleman (Mr. Gladstone) tried to prove what good the scheme would do, he failed to make out his case. What difference was there between the proposed arrangement and the simpler arrangement of keeping on existing taxes and spending the surplus in the reduction of the debt. The scheme was a mere conjuring operation between the right hand and the left, between two departmental offices. The object of the manipulation was to persuade the House and the country to raise next year £1,056,000 more than was wanted for ordinary purposes. What good was gained by putting it in this particular form of terminable annuities? Suppose next year there was a deficit. It would not be so great as it seemed. It would be less by £1,056,000. But would not the House find that out? Would it be satisfied to borrow money or to impose additional taxation when it could easily avail itself of this £1,000,000? Would it not reverse the operation of this year and re-convert terminable annuities into book debt? Suppose on the other hand, there was a surplus, the apparent surplus would be less than the real and actual one by £1,056,000. Did the Chancellor of the Exchequer suppose that hon. Members who complained of particular taxes as grievances would not be perfectly alive to the existence of this surplus and to the possibility of making an assault on it? The proposal was, in effect, that a sham bargain should be made between one Government office and another for the purpose of creating a sham annuity. If there were a real contract for

the sale of terminable annuities, the transaction would be *bond fide*, though objectionable. He could not say that he had any strong objections to carrying out the scheme if the Chancellor of the Exchequer was of opinion that the House would be bound morally or otherwise to provide the money. But if the Chancellor of the Exchequer was of opinion that the House was not to be taken in by the scheme, then it would be far more straightforward to pay off the Debt in the ordinary way of keeping on taxes.

MR. AYTOUN said, that he agreed with the hon. Member (Mr. Gorst). He rose to ask the Chancellor of the Exchequer to give the House some explanation with respect to the probable effect of the present Bill. The hon. Member (Mr. Sheridan) had made out a good case against the tax on fire insurances, and were there no other reason for rejecting the Bill, the fact that the disposal of the existing surplus by its provisions stood in the way of repealing so obnoxious a tax as the fire insurance duty would constitute a sufficient reason. No case had been made out for adopting any exceptional measures for the reduction of the National Debt. Since the War of 1815 we had diminished the National Debt by £100,000,000, although we had been engaged in the Crimean and other wars. The Bill declared that the debt of £24,000,000 which the nation owed to the savings banks was to be cancelled. He always understood that cancelling a debt caused it to cease to exist. But in the present Bill provision was made for the payment of the debt by the creation of terminable annuities. Last year it was stated by the right hon. Gentleman (Mr. Gladstone) that by turning this debt of £24,000,000 into terminable annuities succeeding Parliaments would be bound to provide for the payment of those annuities. He should like the Chancellor of the Exchequer to state whether such would be the case under the present Bill? It appeared to him that the Bill might be repealed at any time by any future Parliament.

MR. READ said, he had voted against the Motion of the hon. Member (Mr. Sheridan) before the introduction of the Budget, because he thought it wrong to fetter the choice of the Chancellor of the Exchequer. But, as the right hon. Gentleman had made the worst possible choice in disposing of the surplus, he should now support the Motion of the hon. Member.

After declaring that he had too small a surplus to produce any perceptible effect upon any considerable tax, the right hon. Gentleman devoted that surplus to the reduction of the National Debt, upon which its perceptible effect would be vastly less. He thereby not only pledged the present Parliament, but sought to bind future Chancellors of the Exchequer, and to prevent relief from remission of taxation for many years to come. The right hon. Gentleman (Mr. Gladstone) had last year expressed his regret that cattle insurances were so few. The fact was that owing to the cattle plague and the imposition of the tax upon them they were almost entirely annihilated. Notwithstanding that farming stock was exempted from this duty of 3*s.* since 1830 the agricultural interest was saddled with similar duties amounting to about 5 per cent. Hailstorm insurances were in a better pecuniary position, but the premium upon them was very small, something like 4*d.* to 5*d.* an acre. Why was it that the Government thought fit to hamper those prudential societies? It could scarcely be worth their while to do so because of the amount raised from the tax. The whole sum derived from the duty on Hailstorm Insurances was, he believed, only £1,500. That upon cattle brought into the Exchequer not more than £1,000 per annum. There were also the taxes on Plate Glass and Accidental Death Insurances which realized about £2,500. So that the total income obtained by the Government from those four societies was only £5,000. The Chancellor of the Exchequer, therefore, had it in his power to confer upon them a great benefit at a small cost. He hoped the hon. Member (Mr. Sheridan), for whose Motion he was about to vote, would be found in the same lobby with him when questions affecting the agricultural interests were at stake.

SIR FRANCIS CROSSLEY said, he advised those hon. Gentlemen who thought that the National Debt was a good thing to get into debt themselves and see whether such a position was a good one. What was not good for individuals was not good for the nation. There were two ways of reducing the National Debt. The one was to apply the surplus of the revenue by buying up the Three per Cent Consols. The other was the system of terminable annuities. Some persons found fault with this latter mode of extinguishing a portion of the Debt because they thought it produced no good to any class and was a de-

Mr. Read

lusion. But terminable annuities enabled them to deal with a large sum like the National Debt and make some impression on it, whereas if they applied a small surplus to the paying of the Debt they would scarcely make any impression on it. The only faults of the present system were that it did not make enough terminable annuities, and also that it dealt with the surplus for many years to come. It would be far better for the Chancellor of the Exchequer for the time being to deal with his own surplus in the best possible way. If he only applied £500,000 in creating terminable annuities of 100 years date, the Chancellor of the Exchequer might go into the market and create £10,000,000 a year. So that posterity might have £10,000,000 a year going off the National Debt. Looking at the Budget as a whole, he regarded it as a good one. He was therefore unable to support the Motion of the hon. Member, which was in opposition to one of its main features, however much he might like to see the duty on fire insurance reduced when a fitting occasion arose. It had been suggested that the National Debt ought to be paid off by means of a tax on coal; but to such a tax being laid upon the raw material of an article which was as necessary to the poor man almost as food he should object, as a course unwise and impolitic.

MR. ALDERMAN SALOMONS said, he was in favour of the plan proposed by the Government. By carrying out that proposal £24,000,000 of debt would be cancelled in 1885 by a yearly payment to that date of £1,700,000. In 1885, when that amount of Debt was cancelled, they would have at their disposal the yearly sum of £1,700,000 by which it was effected. That he considered would be a desirable thing. The funds of this country had always stood high in the market, and it was very desirable that it should continue so. This country, above all others, ought to be the last to set an example, when in so prosperous a condition, of not reducing its Debt. As the proposed plan would cancel so large a sum at so comparatively small a cost, it ought to receive the support of the House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, having attempted to bring forward, not a "sensation" Budget, but one of a very quiet character, which might not create much discussion, and not having brought it forward with any intention to imitate the policy of America, the vigour

of which I admire, but the financial details of which I do not entirely comprehend, I may now state simply and shortly the reasons which influenced Her Majesty's Government in making these proposals—reasons which still influence them, and which I hope will also influence this House, and induce it to allow this Bill to be read the second time. There were many reasons which at the time when the Government had to consider the state of our finances made them feel that it was not prudent to reduce, and certainly not to put an end to, any source of our then existing revenue. Irrespective of that, there was no tax at that moment of so crying a character of oppression as to require the attention of Parliament. There was a surplus, of no vast amount, still, in a certain sense, considerable. Feeling that it was our duty not wantonly to reduce, especially at that time, the sources of our revenue, and having a surplus, we had to consider another feature of our financial position. In the year we were commencing a large terminable annuity was about to fall in. We had therefore to consider the relative position of that kind of engagement to our financial system generally. We found that for a long period of time—certainly now for about half a century—it had been regarded as desirable by the ablest and most experienced of our financiers that a portion of our public Debt should be dealt with in such a manner as that, without violence and without exaggeration, it should assume the form, and, if possible, the continuous form of terminable annuities. We perceived also that for a considerable time events had tended to reduce these annuities. A very considerable change had therefore been taking place in the financial position of this country. We conceived that as this year a very large terminable annuity was falling in it was our duty to consider whether the course which had been pursued by our eminent predecessors for many years was a wise and rational course, or whether it was one from which we should deviate. After examining the matter, we believed that the course which had been generally adopted in the management of the finances of this country—namely, that of availing ourselves, without violence, but if possible with continuity of action, of our surplus revenue to effect a moderate conversion of our Debt into terminable annuities—was a sound practice, and one that ought not to be disregarded. We came therefore to the conclusion that

not only was the policy which had been indicated by the right hon. Gentleman (Mr. Gladstone) a right policy, but that under the circumstances in which we stood, by having this annuity falling in, it was in a still greater degree imperative upon us to pursue that line. Great doubt has been expressed in the course of this discussion as to the benefits which have accrued to the country from the policy of favouring the conversion of permanent into terminable annuities in the management of our Debt. Sir, I was surprised at these remarks, coming, as they did, from the hon. Member (Mr. Laing). He dilated to-night, as he did last year, and with great truth, on the improved relative position of this country as regards its Debt, on how much the burden of the Debt is mitigated by the increase in our population and in our trade, and he also called upon us to note that the annual interest on that Debt has been diminished. At the time of the peace the yearly interest on our public Debt amounted to £32,000,000. It is now reduced to £26,000,000. That reduction of £6,000,000 has been concurrent with a great advance in the wealth and population of the country. But surely, Sir, the hon. Member has not forgotten that this system of terminable annuities has contributed greatly to this result? No doubt the reduction of the interest by operations on the Debt has had a considerable effect. But no one can deny that the system of converting permanent into terminable annuities has contributed a great deal—probably a moiety—towards the amount of that reduction. Therefore I am surprised that those who have given so much of their time and thought to this subject as the hon. Member and others have done, should have spoken with a want of regard for the great and advantageous effects produced on our financial system by the influence of terminable annuities. But the hon. Member—I mention him because he is the able representative of the opinions of many who have taken part in this debate—seems to think that in an arrangement such as is proposed in our Bill, and such as was proposed last year by the right hon. Gentleman (Mr. Gladstone), we are having an undue regard to the interests of posterity. Sir, I think a very extravagant regard for posterity in a question of morals ought to be guarded against, because we may take but perverted or contracted views of subjects which may be of great interest, but on

which it is perhaps difficult to form a decidedly accurate opinion. But when we come to questions of finance I think we do owe something to the generation which follow us, as we ourselves owe much to the generation which has preceded us. In a debate of this kind, in which we are only making an arrangement the results of which will accrue in a comparatively brief space, I am surprised that hon. Gentlemen should depreciate either the importance or the duty of considering the interests of the generation which will come after us. I know of no generation which has benefited so much by the conversion of permanent into terminable annuities as that of which we are Members. The hon. Gentleman says that, instead of converting permanent into terminable annuities, and making arrangements of that description, it would be much better that you should allow the money to fructify in the pockets of the people, or use it for carrying out measures, like the French Treaty, and the other measures which have so distinguished the career of the right hon. Gentleman (Mr. Gladstone), for which he will always be remembered with gratitude by the country. I agree that the French Treaty was a measure of which any man who had the conduct of it might well be proud. Although there were disputes about its details, I believe as to the policy of that measure there was no question in this House. But the right hon. Gentleman himself, I am sure, would be the first to admit that he would not then have succeeded in carrying out that policy but for the fortunate circumstance that terminable annuities of a large character at that time fell in [Mr. GLADSTONE : Hear, hear !], and that he would have had to confine himself to more limited action but for that happy occurrence. Therefore when the hon. Member tells us that we ought to prefer operations like those connected with the French Treaty to Bills like the present, I cannot help reminding him that it was a policy of prudence like this which mainly assisted the right hon. Gentleman in the important measures then adopted. But if only six or seven years ago this happened, when, by the falling in of the long annuities, this important result was attained, ought we not to be grateful to those who preceded us when, in this very year, another great terminable annuity falls in, and we are enabled to consider our position under such advantages as we now enjoy ? I think therefore these remarks as to the

indifference we should feel for posterity and the little regard we should have for the interests of those who will follow us ought not be sanctioned or encouraged in this House. It is possible that by the Bill now under discussion we shall be preparing the way for great results in the lives of many now sitting here. I may not witness it. But I believe there are many Members in this House who, when the time comes, will acknowledge the prudence, the providence, and the patriotism of their predecessors in passing this Bill. Looking at this policy as regards its influence on our general finance shown in the contribution it has made towards the reduction of the interest on our Debt, or as regards the facilities it has offered in respect to some of the most important commercial legislation of our time, I think those observations of the hon. Member cannot be sustained, and were hardly compensated for by the extremely entertaining ingenuity of the rest of his speech. I turn now to the remarks of the hon. Member (Mr. Aytoun). Having a tolerable recollection of the nature of the Bill, but not having a copy of it before me at the time he was speaking, the description which he gave of it caused me to send for a copy, thinking that I might be under the influence of a dream. The hon. Member appears to have been answering a speech made by the right hon. Gentleman (Mr. Gladstone) last year, and not commenting, as he said he was doing, on the present Bill. I understood from the hon. Gentleman that there was not the slightest provision in the present Bill for cancelling the Debt, that there was only a creation of annuities which were merely of a colourable character, and that we had no security whatever that any real business of any kind was to be done. The hon. Member (Mr. Gorst), though he did not say anything quite so strong, stated, nevertheless, that there were really no documents in existence ; that it appeared to be a case of moonshine ; that it would be much better that we should at once agree to contribute £1,000,000 more a year for the reduction of the Debt ; and that our proposal was, in fact, something like an unnecessary annual expenditure of about £1,000,000. I can assure the hon. Gentleman he is under a great mistake ; and if he reads the Bill he will find it out. The moment the Bill passes, £24,000,000 of the Debt are cancelled as completely as if they were paid off in sovereigns, and the terminable

annuity is a real annuity. We in this country find a great convenience at present in dealing with terminable annuities. If we find a public market for selling terminable annuities, we have a right to sell them in that market. Therefore, I cannot understand what the hon. Gentleman meant by saying that what we proposed was an arrangement by which a certain sum must be paid as security upon £24,000,000, a portion of the Debt which he said was not cancelled. As I have said before, the £24,000,000 are cancelled entirely as a Debt the moment this Bill is passed, and the terminable annuity which is given is the possible security the Government as a matter of convenience has to deal with if there be a demand in the market. I wish just to recall to the attention of the House, in illustration of the course we follow in pursuance of the policy which has hitherto prevailed, what has occurred in a brief but significant space of time. The right hon. Gentleman (Mr. Gladstone) drew attention to some statistics which dated from a comparatively remote period—I believe the year 1825. What I wish to do is to remind the House of the state of affairs since the Crimean War. Since that period we have reduced our Debt to very little more than the sum at which it stood before the great expenditure arising from that event occurred, when it amounted to £802,000,000. During the same period about £3,000,000 of terminable annuities have expired, and we have created only about half that amount, so that there is a diminution since the Crimean War of about £1,500,000 annually of the charge for terminable annuities. It was therefore quite clear that if we considered the policy right which had been pursued for an unbroken period of half a century, of converting a certain amount of our permanent debt into terminable debt, that we had arrived at a time when—a considerable annuity falling in and a reduction in the charge for terminable annuities to the amount of £1,500,000 having occurred within the space of ten years—we should resolve to pursue that policy. The question which the House have to decide to-night is, whether they believe that the policy hitherto pursued as to the conversion of a portion of our Debt into terminable debt is a right policy; because, no doubt, if they refuse this Bill, they give the death-stroke to this policy. We shall then have reduced the amount of our terminable annuities to a very small figure, and no Minister for the future will attempt

to pursue a policy which comes down to us sanctioned by the approval of the most practical men that ever flourished in this country. With regard to the expression of Lord Sydenham, quoted by the hon. Member (Mr. Laing), I remember the night it was used, and his using it. But, far from Sir Robert Peel sanctioning the policy associated with that expression, he commented that night, if I recollect rightly, with some severity and great fulness upon it, and he at all times pursued a policy very different from that which the hon. Member attributed to him. But do not think that Mr. Poulett Thomson, afterwards Lord Sydenham, an excellent political economist and a practical man, ever disapproved the system of—not perpetually, but—occasionally and temperately converting our permanent into terminable debt. The observation which has been quoted was made, and no doubt the hon. Member put the best colour he could upon it. No one contends that the whole amount or even the greater part of a surplus is, as a general rule, to be applied to operations of this kind. One would think from the manner of the hon. Member that I had proposed to devote £10,000,000 a year to pay off the National Debt. I have no scheme of the kind. I do not approach the subject with a view to any question as to the exhaustion of our coal. My intellect is not equal to questions of that magnitude. I do not propose to pay off the National Debt. What I propose is to pursue a policy which the most eminent men connected with our finance have always approved—namely, that there should be a continuous but moderate action upon our Debt in the shape of terminable annuities. After the remarks of the right hon. Gentleman (Mr. Gladstone) I will not attempt to show the House the difference between a sinking fund—which I disapprove—and the plan of terminable annuities. I think the argument of the right hon. Gentleman completely conclusive upon that point. But I may presume to give the House a practical illustration, because there is nothing like a practical illustration, nothing which comes more home to people, and is in itself so unanswerable. The difference between a sinking fund and a terminable annuity cannot be better shown than by comparing the fate of the last sinking fund proposed by the right hon. Gentleman, which in the first year of pressure disappeared in my hands, and the fate of the terminable annuity which has fallen in this year, which

has, notwithstanding all our difficulties, lasted forty years, and has at last fulfilled its destiny and benefited this generation. If you want still further instances, look to the case of the long annuities. You have had many sinking funds. At the peace of 1815 you had all sorts of schemes of the kind. Look at the plans sanctioned by Mr. Vansittart, and others. They are all forgotten; but the terminable annuities have fulfilled their destiny, and we have more than once derived benefit from them. I think, therefore, that the only way in which you can manage to regulate your Debt is by favouring as much as possible its conversion into terminable annuities. Under these circumstances, I trust the House will support the policy which Her Majesty's Government have recommended to their consideration. I have only one more remark to make before I sit down, and that shall be addressed to my hon. Friends the Members connected with counties in which barley is grown. They have been told by the hon. Member (Mr. Sheridan) that by supporting this Bill they are putting an end to a surplus which, if otherwise applied, might to a certain extent be applied to a reduction of the malt tax. The warning appeared to make some impression upon them, though, with remarkable consistency, the hon. Member accompanied his warning by an appeal that the surplus should be expended upon the remission of the fire insurance duty. If it be devoted to fire insurance it cannot be applied to the abolition or reduction of the malt duty. The fault in the statement of the hon. Member is this—he assumed that by converting the surplus of the present year into terminable annuities we were prevented from applying any future surplus to that remission of duties which is desired. There is nothing, however, in this arrangement to prevent the accruing of future surpluses, or to preclude the House from considering how those surpluses should be applied. Under these circumstances, those who are interested in the remission of the malt tax will not imagine that their object will be accelerated or expedited by removing the duty on fire insurance. Let me make a single remark upon the observations of my hon. Friend (Mr. Hubbard) on the impracticability of selling terminable annuities in the public market. It is from accidents that to a certain degree those sales are difficult and disadvantageous. But it surely is a recommenda-

tion of the present proposal that it is totally independent of those accidents. Instead of being open to the objection that the machinery prescribed by the right hon. Gentleman is of a mystical character, and difficult of comprehension, it appears to me to be singularly plain and perspicuous. The House were probably not sufficiently aware before the right hon. Gentleman took up the subject, that, as the bankers of the nation, they have great advantages of which they should avail themselves. This, Sir, is the real state of the case. We have brought the proposal forward not for the reasons which have been freely attributed to us, but because when there was a very considerable amount of terminable annuities falling in it was our duty to consider the course we ought to pursue, and we determined to follow that course which the most eminent of our predecessors had for some time pursued, and which had, we believed, been most advantageous to the country.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 162; Noes 38: Majority 124.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

RECRUITING FOR THE ARMY.

RESOLUTION.

MR. WHITBREAD said, he rose to call attention to the system of recruiting for the Army. The question was too large a one to be dealt with as a whole at that hour of the evening. He therefore proposed to confine his observations to one or two points upon which he hoped no serious difference of opinion was entertained. The House was about to be asked to grant a Vote for an increase of pay to the non-commissioned officers and men of the Army. The reason for this Vote was the difficulty of enlisting men in the service, and that difficulty might be attributed to two causes. First, the greater number of men required, owing to the large increase in the Queen's Army. Next,

that owing to the Limited Enlistment Act many men left the army after the first period of their enlistment expired. It seemed amongst military authorities to be agreed that these men ought to be retained in the army, and the only question was how this result could be attained. Lord Strathnairn said, in his evidence before the Royal Commission on Recruiting—

“There is a great feeling among the men that their increased usefulness during their ten years’ service is not acknowledged. I have heard that this is the case from officers of a benevolent disposition, who are in the habit of mixing a good deal and making themselves acquainted with their men—Colonel Dillon, for instance, of the 2nd Battalion Rifle Brigade, who was extremely liked by his men—and officers of that class. A very large number of men were coming home from India, 2,000, in the last year of my command. I inquired of Colonel Dillon and others what means they would suggest to induce these men to re-enlist. Colonel Dillon said that the feeling among the men was not merely a mercenary one, but that they thought they had learnt a great deal, and had become much better soldiers and much more useful to the army during their ten years’ service, and that that increase of utility was not in any way acknowledged.”

This was the universal feeling expressed by officers and also by the men. They felt that they were better men than the recruit who came from the farm and the plough, and yet they were not better treated. The Commissioners recommended that soldiers engaging for a second period of service should receive 2*d.* a day additional pay. He was afraid that the small amount of 1*d.* per day additional recommended by the Government to be paid to the time-expired men would scarcely induce them to re-engage. Captain West and other witnesses reminded the Commissioners that the employers of railway and other labour were anxious to get hold of these men and were prepared to offer larger wages. He would not dwell upon the painful features of our enlistment system more than he could help; but there was sufficient evidence to justify the belief that many recruits were more or less under the influence of drink when they were engaged. Captain Lake stated that men enlisting were more or less under the influence of drink. Sergeant Goddard, of the 23rd Fusileers, who had been eight years sergeant, gave strong evidence on this point, and it would be found even in the evidence of the Adjutant General himself. He trusted that the right hon. Gentleman (Sir John Pakington) would establish some system under which the recruit would be less exposed to the influence of drink on enlisting. Another

objectionable feature of the present system was enlistment under false pretences. The weight of evidence on this point was so strong as to be overwhelming. Mr. Goddard said he enlisted under the impression that he was to receive 1*s.* a day, that this amount was to go entirely into his own pocket, and that everything was to be provided for him. Those were the representations made to him by the recruiting sergeant. When he was out on the recruiting service himself he took in others in the same way, and said nothing about the deductions. That system of false representation, he added, was one great reason for discontent in the army. Dr. Nichols, surgeon of the Wiltshire Militia, who had had much experience, and who had taken great interest in the subject, said he had often come in contact with men who, having enlisted for ten years, had declined to re-engage for a subsequent period of eleven years to complete their service for pension. He invariably asked the reason, and in nearly every instance they spoke of being swindled out of their pay for necessaries, being told that they would get 13*d.* a day, when they got nothing like it. They said—

“In every instance, if they had got the whole of their necessaries, the shell jacket and blue trousers, and had a stated sum of pay, 4*d.*, 5*d.*, or 6*d.*, a day, they should have been perfectly content with it, but that the present system of stoppages for shell jacket and for blue trousers, and for this, that, and the other, they very much objected to.”

The same answer was given over and over again. He (Mr. Whitbread) would here protest against the manner in which it was proposed to expend the public money. The increase of 2*d.* a day to the pay of the soldier had, he feared, been too nearly promised to be now withheld. But the real grievances under which the soldier laboured were the stoppages. There was but little, if any, complaint about the insufficiency of the pay, and as long as these stoppages remained untouched the real grievance continued unredressed. The addition of 2*d.* per day would not satisfy the men so long as they felt they were liable to deception on that score. The additional 2*d.* a day might be an additional weapon in the hands of the recruiting officer; but it would not get rid of the fact of deduction of the 12*s.* for the fatigue jacket. The soldiers examined did not complain of insufficient pay, they complained of stoppages for these necessaries. The men, in fact, said that recruits had been so humbugged

that the recruiting officer would not be believed. Captain West, of the Grenadier Guards, said in reply to a question that he supposed the sergeants, when asked whether the whole 1s. a day would be received, made the best story they could. Brigadier General Campbell said that under such a system only the refuse of the population enlisted. It was on all hands confessed that men were induced to enlist by false representations made to them by the recruiting sergeants. In fact, the whole system was founded on deceit that would not be tolerated for a moment in the case of a private employer. If men were induced to enter the service of a firm by the grossest and most systematic misrepresentation as to their pay and other matters, and if the law nevertheless insisted upon their adhering to the service in which they had engaged, the outcry would be loud and general. It was no answer to say that such a condition of things was demanded by the exigencies of the State. He could see no reason which should prevent the Queen's service from being conducted on principles of ordinary fairplay and honesty. The time would come when it would no longer be thought right, necessary, or politic to trick men into the service, trusting to the strong arm of the law to retain them there against their will. It might be necessary to keep the power of retaining men in the army; but one of the evils resulting from the possession of such a power was that they were relieved from any necessity of consulting either the wishes or the interests of the men. It would soon, he believed, be found necessary to make the service attractive. If men had been free to leave the service, many of these evils would have been swept away. He knew there were many officers working hard to improve the condition of the soldier; but the very power of compelling men to remain in the service under any circumstances relieved them from the necessity of considering the grievances of the soldier. It was not a mere question of money, though they might so dwarf the military spirit of the country as to make it so. At present the Volunteer movement was a standing protest against the military spirit being wanting in the country. No one would pretend that it was a mere question of money with the officers, and if a military spirit existed in the higher ranks of society why should it be supposed that no such spirit could be found among those lower

in the social scale? It was frequently the boast of Englishmen that their army was founded upon a voluntary system; but when a soldier was tricked into an engagement, and then held relentlessly to only one side of his bargain, was there much foundation for the boast? The term of service was exceptionally long, so long indeed that it consumed the most valuable portion of a man's life. The laws by which the soldier was held to his bargain were exceptionally severe. It followed, in common justice, that the terms of his engagement should be fully explained to him before enlisting. To obviate these evils he thought it would be advisable, as pointed out in the second part of his Resolution, to give a fair trial to the system of enlistment by training schools—a system which had been so successful when applied to our navy. He proposed that a boy should be taken at the age of sixteen—that being the extreme age of entry allowed in the case of the navy—and trained for a year and a half, by which time he would be thoroughly competent to perform the duties of a soldier. The cost of that training had been estimated at £30 a year. He did not believe, however, that the expense would exceed £25. Thus at an expense of £45 the recruit would be fitted to enter the army. He would go in with a good education, a thorough knowledge of drill, and possessed of much other information which it would be impossible to get in the ordinary recruit. He trusted that as the right hon. Baronet (Sir John Pakington) knew how well the naval schools worked, that he would, at least, give similar schools a fair trial in the army. The Artillery and Engineers would prove the most favourable field for the experiment, as they came more directly in competition with trades demanding skilled labour. The evidence of Colonel Collingwood Dickson upon this subject showed that it took from a year and a half to two years to make a gunner. But the recruit might be trained as a boy, of course with instruments fitted for his size and strength, and would make a much better soldier than if left out in the world till he was eighteen. Boys were found to improve in the navy at a most astonishing rate. It was on all hands admitted that the best soldiers were made by the sons of other soldiers, and that the system he proposed would be esteemed a great boon by the fathers in the service. The authorities in the navy demanded a boy's character before he was admitted to

the school. Could such a thing be thought of in the army under the present system? In the navy boys were taken at an age before they began to earn their livelihood. They were taken with the consent of their parents or friends, and were bound to serve for ten years at the close of their school term. In the navy the trained boys were made ambitious by their education, and they sought the post of non-commissioned officers, while he had heard that in the army the greatest difficulty was experienced in getting those positions filled. The experience of those who had studied the working of the school system went to show that not only was the individual recruit improved, but that a better class was attracted to the service. He believed the same result would be found to follow the introduction of a similar system in the army. Some important evidence was given before the Commission by the highest authority, which he would read. The Commander-in-Chief had given answers to Questions bearing on the subject as follows :—

“Your Royal Highness must be aware that the mode of recruiting for the army at present is not the most creditable which might be observed in inducing young men to enter the service?—No.

“Could your Royal Highness suggest any mode of improving that system?—I think that it would be impossible. With the volunteer system you must get the men where you can find them. Of course if you can get a better class of men so much the better, but our experience has not proved that we can do so; and therefore my fear is that do what you will you must take what you can find, whether it is exactly what you wish or not.

“And even though you wish it you cannot be very particular as to the place in which you recruit?—No, I do not think that you can help that.

“Is your Royal Highness aware of the mode which the Admiralty have now adopted for supplying men into the navy?—Yes, by means of training up boys.

“Does your Royal Highness think that system could be applied with success to the army?—It is one of those points upon which it is very difficult to give an opinion, because the system has hardly been tried; but I think that it would be a very desirable thing to try it, if we could. I will give an instance, however, in which that system is employed as regards one regiment—namely, the Ceylon Rifles. I believe that in the Ceylon Rifles there is a class of boys, Malays and others, natives, who are trained up as boys, and they are now the chief means of supplying that regiment, and though it is not sufficient for their full strength, still, as far as it goes, I understand that it answers admirably, and I understand that almost all their non-commissioned officers come from that class who have been educated as boys.”

These answers bore out what he had advanced. The only case in which the system had been tried had proved successful. The House would acknowledge the degradation to which the present system of recruiting had brought us. He trusted that permission would be given to try, to a small extent, and at the moderate expense which would be incurred in establishing two or three schools, the plan he advocated. He felt sure that, as soon as it had been in work sufficiently long to exhibit its merits, demands would come from all sides of the House for its further extension.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the terms of the service into which they are about to enter should be fully explained to all recruits before enlistment; and that having regard to the success which has attended the system of Training Schools for the Navy it is desirable to give trial to a similar plan for obtaining Recruits for the Army,”—(*Mr. Whitbread.*)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

SIR JOHN PAKINGTON: The views of the hon. Member are always worthy of consideration, and never more so than when they are directed to the subject of the Report of the Commission, upon which he was a very active and useful member. I hope the hon. Member will allow me, considering how necessary it is that I should take the Vote for which I propose almost immediately to ask, to refrain from discussing a subject as large and important as the present system of recruiting in the Army. I would say, however, that I have never seen a Report of any Commission which appeared to me to embody more important matter in comparatively limited space than that to which the hon. Member referred. I am also bound to say that of all the important matters which come before me for consideration in connection with my official duties there is none which receives more anxious attention from me than that which urges me to effect some improvement in the present system of recruiting. I am afraid that system is open to serious objections, and that it is carried on in such a way as to produce a demoralizing effect upon men exposed to it. I therefore quite agree with those who think that a material improvement should be introduced into the system. But, though

I was much struck with the extracts the hon. Member read from the evidence taken by the Commission, I must repeat the question is a very large one, and far too important for me to enter upon to-night, so that I hope the hon. Member will accept my assurance that I will give most earnest attention to the subject. But I must say a word or two upon the immediate objects which the hon. Gentleman has in view. These are two. The first is that the terms of the service in which recruits are about to enter should be fully explained before enlistment. Sir, it is impossible for any one to question the justice of this proposition. It is equally impossible to hear without deep regret upon such authority as that of the hon. Gentleman of the deceptions systematically practised on recruits by those whose duty it is to enlist them. The hon. Gentleman must admit that these deceptions are not sanctioned by authority, and that it is the duty of the magistrate before whom the attestation takes place, to see that the recruit is fully informed of all the circumstances under which he has been enlisted. This is what ought to be done, and we are bound to take care in any reformation of the system that some effective means for procuring this end is adopted for the future. The other portion of the question raised refers to the important matter of training. The hon. Member has referred to the navy as an example worthy to be followed. I entirely agree with him that it is impossible to speak too highly of the good effects which have been produced in the navy by that system. The great improvement which has taken place in manning the navy arises from two causes. One the continuous service system, the other the system of training boys. The system in force in the navy is this. Boys are entered in training-ships at the early age of fourteen or fourteen and a half and kept there till they are sixteen years of age. At that age they are supposed to have finished their education and are sent on board a man-of-war, and, rated as boys, become part of the ship's crew. At eighteen years are regularly enrolled and treated as men, and enter on their period of continuous service. I could easily point out, in private conversation, the great difficulties which must arise if we attempted to introduce into the army boys at such a very early age. [Mr. WHITBREAD: At sixteen.] The hon. Gentleman proposes to get over the difficulty by not entering boys in the

Sir John Pakington

military schools until the age of sixteen. I confess it appears to me an entirely different thing to take a boy at the age of fourteen-and-a-half years, put him into a ship, which is, in fact, a school, and treat him as a boy, and to take what I may almost call a young man of sixteen and begin with him an educational course. The two things can hardly be likened the one to the other. A boy at sixteen years of age is too young for the army, and it would not be easy to know what to do with him. But at the age of sixteen he is too old to be subjected to the ordinary educational process for the first time. As to the question of expenditure, the hon. Member did not enter into detail on the point. Expense must, of course, be a serious consideration. But if we have before us any practical plan, promising great advantages, the cost of that plan must, if possible, be met. I am afraid it is impossible for us to close our eyes to the fact that the further we go with improvements in accordance with the system of the present day, the more difficult it must be to carry on that new system on the old scale of expenditure. If, however, such schools could be established as the hon. Member contemplates, and the system placed upon a footing acceptable to Parliament and the country, I have no doubt whatever that in the army, as in the navy, we should obtain a valuable class of recruits—far superior to any we now possess. Before any Estimates are prepared for another year I should, therefore, be prepared most carefully to consider the whole question, and should be glad to confer with the hon. Member, and to receive the benefit of any suggestions he may be disposed to offer. Under these circumstances, I hope, as I have already explained, that the hon. Member will not think it necessary to press his Motion. I cannot dissent from his Resolution, but some time must be allowed in order to consider what will be the best way to carry out the object contemplated.

CAPTAIN VIVIAN said, he could not accept the arguments advanced by the right hon. Gentleman the Secretary of State for War as reasons why the hon. Member (Mr. Whitbread) should not proceed with his Resolutions. The right hon. Gentleman appealed to his hon. Friend to withdraw his Motion on the ground that the question of Recruiting for the Army was one of such importance that it was impossible to discuss it that night. But

whilst he said that, he wished the Resolution to be withdrawn in order that the House might enter upon the discussion of a matter which was of equal importance—namely, the plan for forming an army of reserve. Any one who had read the Bill referring to this scheme must acknowledge that the Supplementary Vote about to be asked for could not be given to the right hon. Gentleman without great discussion. The question of Recruiting for the Army was so serious that it was absolutely necessary an opinion should be expressed by the House, as soon as possible, deciding whether it was prepared to continue the present system or sanction the principle contained in the Resolution of the hon. Member. They would soon have to decide whether they would allow their military organization to go on in the complicated manner in which it was at present conducted, or whether they were prepared to adapt it to the requirements of modern science and the wants of the times. The system now in vogue was very defective. As soon as the question which at present impeded all legislation was disposed of, another important reform, that of our whole military system, must engage attention. He held that the right way was to begin at the beginning—namely, to improve the system of recruiting. Till this was done the *morale* of the army could never be improved. We boasted of our system of voluntary enlistment. But it was nothing better than kidnapping. Young men were caught hold of in a state of semi-intoxication. The evidence taken before the Commission abundantly proved that false expectations were created, and that in the bargain into which they entered the real conditions of service were never put before them. He confessed that the 2*d.* a day extra which was proposed to be given to the recruits was beginning at the wrong end. It would be much better to accumulate this, and give it to the man, say after he had served ten years, as an encouragement and reward for his services. The stoppages from the pay of soldiers for the payment of necessaries was also a grievance that would require to be remedied if they hoped to improve the army. He would suggest that the Resolution relating to the treatment of recruits should be adopted by the House, but that that relating to the training schools should be withdrawn.

GENERAL DUNNE said, he could not vote for the Resolution of the hon. Member, because he did not believe it was

strictly true. He was convinced that the great mass of the men who entered the army knew that they were not to receive the entire 1*s.* a day, though they might not be aware of the extent of the stoppages. There might be some rare cases in which men were entrapped, but those cases were the exception, for many who enlist do so at the instigation of friends who are soldiers and well know what they have themselves received, and all volunteers from the militia cannot possibly be ignorant and enlist with full knowledge of the facts. As to the schools proposed by the hon. Gentleman the question was one of expense. Such schools might make good non-commissioned officers, but they never could supply the army with a sufficient number of recruits. It was absurd to suppose that they could supply an army of from 60,000 to 120,000 men with recruits. At present there were two training schools—one at the Phoenix Park, Dublin, and one at Chelsea. It was a remarkable fact that the great mass of the young men who had been educated there did not go into the army at all. He hoped, as the army had understood they were to have the 2*d.* a day, that it would now be given to them. It might certainly have been better to have an higher scale of pay given to them when re-enlisted for the second time, in order to increase the inducements offered to them for re-enlistment; but, at all events, he hoped that Parliament would not break faith with them upon this point. The breaches of faith of the most glaring character which occurred in the army as to pensions deterred men who had served from re-enlisting more than anything else. It had been said the materials of the army had been found in the dregs of the population, and he could not but feel indignation at the reiteration of such an assertion. He totally denied it. Many men in extreme poverty joined the army, but they were not the worst conducted members of the population. It was an acknowledged fact that there was less crime in the military than in the civil population of the country. If they would compare the amount of crime in any manufacturing town with the amount of crime in any regiment or number of regiments in the army, the result would be to the advantage of the military. He had had much experience both of the regular troops and the militia, and their conduct did not entitle them to be branded as the dregs of the population.

MR. WHITBREAD said, that when he used the words "dregs of the population" he merely quoted from the evidence of a general officer of the army before a Committee.

SIR CHARLES RUSSELL said, that it was now evident that we could get any number of men we required for the small additional pittance of 2*d.* a day which had been promised. When it was said that men were kidnapped into the army it would only have been fair to show that the ten years', or expired service men were generally disinclined to re-engage, because these men must have discovered the stoppages to which they were liable, and the inconveniences which were constantly being referred to. With the promise of increased pay they could now get any number of men, and for the first time in his recollection the brigade to which he belonged was considerably above its strength. It was only natural that increased pay should have the effect of making men more anxious to remain in the army. Soldiers should be treated like other people, and have faith kept with them as honestly. Soldiers, like other men, liked to have as much money as they could get. If we wanted to get a man to continue to serve us in any capacity, it would not do to tell him he must go to Church on Sunday, and offer him no other inducement. No; if we wanted him, we must offer him a little more money. The soldier understood what was for his advantage. It was found that the subscribers to the military libraries were the vast majority of the men in a battalion. It would not be creditable to the House of Commons if they did not keep faith with the army in respect of the extra 2*d.*, which he was amazed the men were so ready to accept.

COLONEL PERCY HERBERT said, that the soldier had derived much benefit from the regimental canteen system, both as regarded the price and the quality of the articles with which he was able to supply himself in the canteen. Since those canteens had been established, in many regiments the cost of messing for vegetables and other additions to the soldiers' rations had been reduced from 1*d.* to $\frac{1}{2}$ *d.* daily. Notwithstanding the reduction in price, the articles had been better in quality and more abundant in quantity than they were before. He entirely concurred in the spirit of the Resolution of the hon. Member, but he trusted that the hon. Member would not press them to a division, as they might

be misunderstood by the soldiers. If the right hon. Gentleman the Secretary of State for War gave his assurance that the spirit of the Resolutions would be carried into effect, it would be better that they should be withdrawn for the present.

SIR ROBERT ANSTRUTHER said, he thought that the system was almost as bad, as regarded the men, as it could be. An immediate alteration was called for in the interest of the army. A man should understand upon enlistment what he was to receive. The question of stoppages was carefully kept in the background. Until that was changed we should not get the class of recruits we wanted.

THE MARQUESS OF HARTINGTON: I think the hon. Member (Mr. Whitbread) has some reason to complain of the refusal of the right hon. Gentleman the Secretary of State for War to enter on this occasion into a discussion on the subject of recruiting. We are about to be asked to vote in favour of an alteration which will entail an annual charge upon the country of £400,000 in the shape of increased pay. The ground upon which this sum is asked for is the difficulty that now exists of obtaining recruits for the army. It is the bounden duty of the House of Commons to discuss the question of recruiting, and if ever there is a fit time to discuss that question it is when we are asked to assent to an increase of the burdens of the country. It is very true, as we have been told by hon. Gentlemen opposite, that the question has reached a stage in which we have very little option left us. This offer of 2*d.* a day was made by the Government two or three months ago, and from the time it was made until the present hour we have never had an opportunity of discussing the subject. Of course, the proposal of the Government has been made known throughout the army, and were we to reject that proposal now, we should incur the risk of exciting misunderstanding and discontent in the army. Still, I do not think that this is a matter that the House of Commons can pass over without notice. If we cannot discuss questions of this nature what control will this House exercise over the expenditure of the money it votes? It is natural that the army should come to the conclusion that the money has been promised. I think it is possible that this 2*d.* a day may be the most profitable manner for obtaining recruits, in which nearly £500,000 could be expended. But it does not follow that because this plan will

obtain more recruits, that it is the best which could be adopted for that purpose. I think that the hon. and gallant Gentleman (Captain Vivian) was misunderstood by those hon. Gentlemen who suppose that he objected to this proposal to expend 2*d.* a day. What I understood the hon. and gallant Gentleman said was that the 2*d.* a day would be a very small boon to the men whose time was nearly out. The men who were about to leave the army would doubtless prefer that something should be done for them in the way of an increased pension. With regard to the first Resolution of the hon. Member, I do not see why we should not agree to it. All he asks is that some concise printed statement of the terms of his service should be presented to the recruit on enlistment. My impression was that the Horse Guards and the War Department were prepared to adopt such a proposition. I wish to ask the right hon. Gentleman what is to be the course of business for the remainder of the Session? I understand he is anxious to take a Vote for the extra pay of the soldiers, and I see no reason why there should be any delay on the part of this House to agree to that Vote. I think, however, that the extra pay of 2*d.* a day promised to the militia is open to much more discussion than the increase in the pay of the army. The last item in the Estimates, that of £50,000 to the Volunteers and militia who shall join the army of reserve, will open up the whole question of the army of reserve, which it would be impossible to discuss to-night. I therefore suggest that perhaps the right hon. Gentleman would be satisfied by taking a Vote for the extra pay of the army, and, if he likes, for that of the militia, leaving that affecting the army of reserve until a future occasion.

GENERAL PEEL said, that the noble Marquess had complained of the want of an opportunity of discussing the question. But notice had been given by him in March last that a Vote would be asked for. The noble Marquess had full knowledge that it was intended to give additional pay to the soldiers of the regular army of 2*d.* a day as a substitute for the quarter of a pound of meat and the shell jacket, which was recommended by the Royal Commission, whose proposal would be equally applicable to the recruit and to the old soldier. The Secretary for War was charged with beginning at the wrong end in offering 2*d.* a day extra pay to the soldier, because the old soldier would not

get any greater benefit by it than the recruit. But, in truth, the 2*d.* was merely substituted for other advantages by which the old soldier and the recruit were equally to have benefited. He saw no objection to the first part of the Resolution, but he did not think the hon. Member would be inclined to press the second. He should be most happy if the extra pay could be supplemented by doing away with the stoppages. It must be recollected that the soldier could not strike as other people did, and that they could not even ask for an increase of pay. It was therefore the duty of the right hon. Gentleman to do all he could for the soldier, and the present proposal would meet with general approbation.

MR. WHITBREAD said, that after what had fallen from the right hon. Baronet (Sir John Pakington), he should not press the second part of his Resolution, but he hoped that the first part would be agreed to.

Amendment, by leave, *withdrawn*.

Another Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the terms of the service into which they are about to enter should be fully explained to all Recruits before enlistment,"—(*Mr. Whitbread*),—instead thereof.

SIR JOHN PAKINGTON said, that it would be impossible for him to divide against the first part of the Resolution of the hon. Member, with the principle of which he entirely concurred. That part of the Resolution, however, only touched upon one part of a very large question, which, he confessed, he should have preferred should have been considered as a whole. He was prepared to adopt the suggestion of the noble Lord, and to take a Vote for the extra pay of the army and the militia only. He was sorry that the noble Lord (the Marquess of Hartington) should think he had ground of complaint, because he (Sir John Pakington) had been desirous as far as he could to consult the convenience of the House.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Resolved, That the terms of the service into which they are about to enter should be fully explained to all Recruits before enlistment.

SUPPLY—ARMY ESTIMATES.

Resolved, That this House will immediately resolve itself into the Committee of Supply.

SUPPLY—*considered* in Committee.

(In the Committee.)

£416,750, Increase Pay to Non-Commissioned Officers and Men, and for more efficient Recruiting of the Army.

SIR JOHN PAKINGTON said, the discussion on the Resolution moved by the hon. Gentleman opposite, had been so much directed to the question of additional pay to the army, that it would be unnecessary for him now to detain the House by any remarks. He would only say that he entirely concurred in the views expressed by the right hon. and gallant Gentleman the Member for Huntingdon (General Peel) as to the granting to the soldiers certain necessities, allowances, and other indulgences.

MR. OTWAY said, he wished to inquire whether the increase of pay would date from the passing of this Vote, or from the time when the proposal was originally made?

MR. O'REILLY said, he wished to ask whether the right hon. Gentleman intended that the general discussion on the question of the Army Reserve should be taken on the Vote or on the second reading of the Army Reserve Bill?

THE MARQUESS OF HARTINGTON said, he apprehended that, under the present scheme, the pensions would not be increased, but only the pay of the soldiers.

GENERAL PEELE said, the additional 2*d*. a day applied only to the pay of the soldiers, though, if the House did not object, he should be glad to see the pensions augmented also.

SIR JOHN PAKINGTON said, that he would take into consideration what course would be most convenient respecting the discussion on the Army Reserve.

Vote agreed to.

House resumed.

Resolution to be reported *To-morrow*.

Committee to sit again *To-morrow*.

ECCLESIASTICAL TITLES AND ROMAN CATHOLIC RELIEF ACTS.

MOTION FOR A SELECT COMMITTEE.

MR. MACVOY moved for the appointment of a Select Committee to inquire

into and report upon the operation of the Act 14 & 15 Vict. c. 60 (the Ecclesiastical Titles Act), and so much of the Act 10 Geo. IV. c. 7. (the Catholic Relief Act), as is contained in s. 24.

MR. CHICHESTER FORTESCUE complained that no explanation had been given by the Government on this subject.

THE CHANCELLOR OF THE EXCHEQUER: I regret that this Motion has been made, and that the subject was brought forward on another occasion at so late an hour that the attendance of the House was very slight. I understand that this Motion for a Committee originated in this way. Some conversation with respect to the Act in question occurred in "another place," and Lord Derby made some observations on the Act, which he, and most other persons, considered extremely inefficient. He then expressed the opinion that he thought the repeal of the Act might be misinterpreted, and might lead to great excitement and acerbity of feeling; but as it had been stated that the Roman Catholic Church was materially impeded in the exercise of its legitimate duties by the operation of this Act, he thought that was a subject which it was reasonable on the whole to inquire into. He therefore agreed that a Committee should be appointed to inquire into the matter, so that if there be any grievance it may be proved. That is the origin of the inquiry, and I think the matter a legitimate subject for investigation.

Motion agreed to.

Select Committee *appointed*, "to inquire into and report upon the operation of the Act 14 and 15 Vic., c. 60. (the Ecclesiastical Titles Act), and so much of the Act 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), as is contained in s. 24."—(Mr. MacEvoy.)

And, on June 25, Select Committee *nominated* as follows:—MR. MACVOY, MR. WALFORD, MR. GREGORY, MR. HOWES, MR. COLERIDGE, MR. ATTORNEY GENERAL for IRELAND:—And, on June 27, MR. McKENNA, THE JUDGE ADVOCATE, MR. CHICHESTER FORTESCUE, MR. WILLIAM EDWARD FORSTER, MR. HENRY AUSTIN BRUCE, MR. BENTINCK, LORD FREDERICK CAVENDISH, and MR. BRETT *added*:—Power to send for persons, papers, and records; Five to be the quorum.

ETWALL HOSPITAL AND REPTON SCHOOL.

Return *ordered*, "of Income and Expenditure for the last seven years of Sir John Port's Charities, relative to the Hospital at Etwall and to the School at Repton; and of all Sales of Consols standing in the name of Trustees of said Charities during the period aforesaid; and of the application of all monies accruing from such sales."—(Sir Robert Peel.)

WATER SUPPLY BILL.

On Motion of Mr. WHALLEY, Bill to make better provision for facilitating the Supply of Water to the Metropolis and other towns and districts, *ordered* to be brought in by Mr. WHALLEY and Mr. LUSK.

Bill *presented*, and read the first time. [Bill 161.]

WRITS REGISTRATION (SCOTLAND) BILL.

On Motion of Mr. WALPOLE, Bill to improve the system of Registration of Writs relating to Land in Scotland, and to amend the Law relating to Inhibitions and Adjudications, *ordered* to be brought in by Mr. WALPOLE and Sir GRAHAM MONTGOMERY.

Bill *presented*, and read the first time. [Bill 160.]

House adjourned at half
after Two o'clock.

HOUSE OF LORDS,

Friday, May 17, 1867.

MINUTES.—*Sat First in Parliament*—The Earl Brownlow, after the Death of his Brother; The Lord Northbrook, after the Death of his Father.

PUBLIC BILLS—*First Reading*—British Spirits* (103); Labouring Classes Dwellings Acts (1866) Amendment* (104).

Second Reading—Fortifications (Provision for Expenses)* (84).

HIGH TREASON (IRELAND)—

THE CONVICTED FENIANS.—PETITION.

VISCOUNT LIFFORD *presented* a Petition from the inhabitants of Glasnevin and Neighbourhood, praying that an Address may be presented to Her Majesty in favour of sparing the lives of Prisoners convicted of treason in Ireland. He trusted he should not be deemed either presumptuous or premature in doing so, believing it to be the duty of every Member of that House to present whatever petitions were intrusted to him, provided they contained nothing libellous or disloyal. The Petition came from a suburb of Dublin, two or three miles from the city, called Glasnevin, and, with their Lordships' kind permission, he would read an extract from a letter addressed to him, which accompanied it, in which the writer said—

"Your Lordship will understand the part we took in keeping guard with our rifles and revolvers in the cause of law and order, and we trust that it will be considered worthy of consideration. Of course, the Petition could have been more

numerously signed, but we have confined it exclusively to the members of the Defence Association."

The Petitioners stated their belief that the lives of those recently convicted had justly been forfeited to the law—that they regarded with feelings of the deepest condemnation any attempt to disturb the Government of the Queen in Ireland, being devotedly attached to the Throne, and grateful for the blessings they enjoyed under Her Majesty's reign; but they believed that by extending the gracious prerogative of mercy to these convicts Her Majesty would be doing an act pleasing to her loyal Irish subjects and which would under all circumstances be alike merciful and expedient. He (Viscount Lifford) entirely concurred in the prayer of the Petition. It was true that these men fully deserved their sentences. They had rebelled against a Throne established for 700 years; they had thrown back the material prosperity of their country for fifty or 100 years; they had driven away thousands of their fellow-countrymen, who might have remained had English capital been allowed to be introduced under a peaceful state of things. But there were some peculiar features connected with the late outbreak which distinguished it from preceding attempts of this kind. In the first place, only one man lost his life, and it was to be hoped that those connected with that offence would yet be brought to justice. In the next place, when the Fenians went to the houses of the gentry, they behaved even with courtesy; and he trusted their Lordships would not consider that the late rebellion should be put in the same category as that of 1798. But more than this—many of those who took a lead in the Fenian conspiracy were swindlers, not amenable to the law, many of them were mere dupes, and some few were acting from mistaken affection for their country. It was hardly possible to conceive how any man in his senses could suppose that the welfare of Ireland could consist otherwise than in an intimate union with this country—sharing her freedom, her colonies, her wealth, her power, and her European influence. It was hardly possible that any one in his senses could suppose that Ireland, if she could be separated from England, would be anything better, if not worse than Mexico—a country without a navy, without an army, except by forced conscription, with-

out power, without European influence, and likely to become the battle-ground of hostile sects and infuriated factions—stirred up by the emissaries of England or France, or America, whenever it might suit their purposes. Yet it appeared there were such persons to be found—men carried away by an extraordinary feeling of affection for their country which they thought would be best displayed by fighting for its independence. He would, with their Lordships' permission, read the words of one of the convicted prisoners. He said—

"Thus it is, my Lord, I accept the verdict. Of course my acceptance is not necessary, but I am satisfied with it. And now I close. Many feelings agitate my mind which cannot be expressed by a few incoherent words. I have of course ties that bind me to life and to this world; but I remember the words of my aged mother, 'Go, my boy, return with your shield, or upon it.' I submit, my Lord, to my doom, and I hope that as God has preserved Ireland during 700 years she will yet retrieve her fallen fortunes, and rise again the sister of Columbia, the peer of any nation in the world."

Saving that these words were somewhat grandiloquent and American, they were very noble words, and they were evidently uttered by a man who valued his life very little and posthumous fame a great deal. If that man were hanged his name would be sent down to posterity as a patriot and a martyr, and his picture would be displayed in every cabin in Ireland. All experience proved that it would be an unfortunate step to make political martyrs in such a case; and though it could not be denied that these men deserved their punishment, still he trusted for the sake of Ireland their sentences would not be carried out. If they were it would aggravate the sores of Ireland; if commuted it would heal those sores. He would go further and say, if at some future time the loyalty, peaceful condition, and consequent wealth and prosperity of Ireland showed that the seeds which these men had endeavoured to sow had not fallen on congenial ground—he trusted that then, but never till then, the question of pardon would be considered.

Petition read and *ordered* to lie on the Table.

House adjourned at half past Five
o'clock, to Monday next,
Eleven o'clock.

Viscount Lifford

HOUSE OF COMMONS,

Friday, May 17, 1867.

MINUTES.]—SELECT COMMITTEE—On Corrupt Practices at Elections, Sir George Grey and Sir Stafford Northcote *added*.

SUPPLY—*considered in Committee*—Resolutions [May 16] *reported*.

PUBLIC BILLS—*First Reading*—Pier and Harbour Orders Confirmation (No. 2)* [162].

Second Reading—Railway Construction Facilities Act (1864) Amendment [57], *negatived*.

Committee—Representation of the People [Clause 3] [79] [R.P.]; Hypothec Amendment (Scotland) [100]; West India Bishops and Clergy* [126] [R.P.].

Report—Hypothec Amendment (Scotland) [100].
Third Reading—Bunhill Fields Burial Ground* [107], and *passed*.

IRELAND—DISTRESS IN CONNEMARA.

QUESTION.

MR. GREGORY said, he wished to ask the Chief Secretary for Ireland, Whether he has received any communication from the Law Life Society expressing the intentions of that corporation to give employment and support to their tenantry during the present severe distress in the West of Galway; and, whether he will order a Report from the Poor Law Inspector as to the steps taken in fulfilment of that pledge?

LORD NAAS said, in reply, that he had had several communications with the Secretary of the Law Life Society with regard to the distress in Connemara, and he informed him that that corporation were doing all in their power to give employment and support to their tenantry. The Secretary mentions several works that the Society proposed to set on foot at once on their estates, and also said that in several instances they had ordered a supply of meal to be given to the poor people at cost price. He (Lord Naas) would take care that constant Reports should be made by the Poor Law Inspector as to the state of the district under the present unfortunate circumstances.

PARIS UNIVERSAL EXHIBITION—PURCHASE OF ARTICLES.—QUESTION.

MR. BENTINCK said, he wished to ask the Vice President of the Council, On whose responsibility and judgment Purchases are to be made at the Paris Exhibition? He considered that the answer which the Vice President of the Council

gave to his Question last night was not satisfactory. He should like to know, whether the art referees of the South Kensington Museum, or Mr. Cole, the Secretary, for instance, were to be consulted? He had understood from the Vice President of the Council that part only of the money for those purchases had been voted, and that this money came from that voted for the purchase of objects for museums, and was not a special Vote?

LORD ROBERT MONTAGU said, in reply, that his hon. Friend seemed to be under a misapprehension. He (Lord Robert Montagu) had not stated that they had made any purchases in anticipation of the Vote by Parliament; and he had no intention of asking Parliament for a Vote for that purpose. His hon. Friend, perhaps, had in mind the regular South Kensington Vote—a sum of £10,000, appropriated to the purchase of works of art. No purchase was made out of that fund without the approval of the President and Vice President. The Art Referees, Mr. R. Redgrave and Mr. Robinson, were also consulted.

MR. BENTINCK said, he must again ask on whose authority and judgment the purchases would be made?

LORD ROBERT MONTAGU said, certain gentlemen very competent in matters of art had been asked to mention any subject which it would be desirable to obtain; but nothing could be purchased without the sanction of the Lord President and the Vice President, advised by the Art Referees.

SCOTLAND—THE ANNUITY TAX (EDINBURGH.)—QUESTION.

MR. MONCREIFF said, he would beg to ask the hon. Member for Peeblesshire, Whether it is the intention of Her Majesty's Government to introduce any measure relative to the Annuity Tax in the burgh of Canongate, Edinburgh; and, if so, when such measure will be introduced?

SIR GRAHAM MONTGOMERY said, in reply, that it was the intention of the Government to introduce a measure upon this subject, and he hoped to be able to ask leave to bring it in in the course of next week.

CATTLE PLAGUE IN THE METROPOLIS. QUESTION.

MR. MITFORD said, he would beg to ask the Vice President of the Council,

Whether it is true that the Cattle Plague is on the increase in the Metropolis?

LORD ROBERT MONTAGU: Sir, I am sorry to report that the cattle plague is on the increase. There are now eight infected places, and we received intelligence last night that, out of seventy-three cows in one place in Stoke Newington, twenty-five had been attacked up to yesterday evening. We have also received intelligence that the cattle plague is rife in many parts of Germany. Perhaps I may mention that an Order in Council has just been passed in reference to this matter.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

REPRESENTATION OF THE PEOPLE (SCOTLAND) BILL.—QUESTION.

MR. BOUVERIE: I beg to ask Mr. Chancellor of the Exchequer, When we may expect to have the Scotch Reform Bill in our hands?

THE CHANCELLOR OF THE EXCHEQUER: I believe that a particular passage of the Bill will, in the opinion of the draughtsman, be much influenced by the decision which the House will probably arrive at to-night, as to the exact meaning of the word "house." He wishes to have the benefit of the information which that decision will afford. Otherwise, I believe the Bill is printed and all but ready for distribution.

Motion, by leave, *withdrawn*.

Committee *deferred till Monday next*.

PARLIAMENTARY REFORM— REPRESENTATION OF THE PEOPLE BILL.—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 13*.]

Bill *considered* in Committee.

(*In the Committee.*)

Clause 3 (Occupation Franchise for Voters in Boroughs).

Amendment proposed,

At end of Clause, to add the words "Provided, That no tenement shall be considered a dwelling house for the purposes of this Act which contains less than two rooms."—(*Mr. Watkin.*)

Amendment proposed, to the said proposed Amendment, by adding the words "and that the said two rooms shall not together contain less than sixteen hundred cubic feet."—(*Mr. Pease.*)

Question proposed, "That those words be there added."

Question, "That the words 'and that the said two rooms shall not together contain less than sixteen hundred cubic feet' " again proposed.

MR. WATKIN said, that his proposal having been accepted favourably on the part of the Government, he had not felt it necessary to trouble the House with many observations on Monday night, when, at a late hour, the matter was last before the House. But as the hon. Member (*Mr. Thomas Hughes*) seemed to imagine that he had reason for complaint on account of the course adopted, he would now shortly state the grounds upon which he sought by his Motion to prevent household suffrage from being degraded into hovel suffrage. He was ready to give the franchise to the occupier of a house, but not to the occupier of a hut. Every section of politicians was anxious to do what the hon. Member (*Mr. Bright*) had often expressed an anxiety to do—namely, to "keep out the residuum." Last Saturday, at a meeting held in another place, the right hon. Gentleman (*Mr. Gladstone*), whom many of those sitting around him recognise as the Leader of their party, gave utterance to sentiments very similar to those expressed by the hon. Member. The right hon. Gentleman said—

"I do not deny that I do feel considerable difficulty exists with respect to that lowest margin of householders who tremble between pauperism and independence. In the present state of education in this country, and in the circumstances in which we are placed, I do not say that the evil to be apprehended is one of commanding magnitude, but then I do regard it as a real evil."

It was to meet this real evil that he asked the House to consider the proposal standing in his name. He ventured to lay down this proposition—that the industrious working man who sought to obtain a decent dwelling in which to bring up his family in comfort was fit to be placed in possession of the franchise; but that the man who, either from intemperate habits, want of industry, or any other cause, had neither the ambition nor the power to secure for his family an independent home in which his children could be trained in decency and with some approach to comfort, was not fit

to have the franchise given to him, but belonged to "the residuum." The Bill as it stood would first enfranchise all the occupants of the existing hovels in boroughs—and counties if there was land attached to them—and it would increase and facilitate in all the smaller boroughs, and even in many of the average size, the creation of votes by the erection of tenements, which were not properly fit for human habitation. On the subject of the existing hovels in different boroughs, he should quote from the Report of *Dr. Hunter*, presented to the Privy Council the year before last. He would first take the borough of *Tavistock*, in *Devonshire*. *Dr. Hunter* said—

"On the *Callington Road* are four unilocular huts, where in one case four adults, in another three, in another two, with four children, make one room serve for parlour, kitchen, and all."

Here, again, was the case of the borough of *Petersfield*, in *Hampshire*—

"At *Street*, in *Petersfield*, many houses have but one bedroom. In one bedroom slept a married pair, two adult girls, six younger girls, and one boy baby; in another a widow with her five children. In one house of two bedrooms lived three married pairs with five children; in another five adults with four children; in another three adults with four children."

Again, the Report spoke as follows of the ancient borough of *Stafford* :—

"In the town of *Stafford* and much of the environs wretched houses are common. The roads are gutters and stench prevail in and out of doors."

Of a borough in *Wiltshire* distinguished for its representative (*Mr. Lowe*), the Report of *Dr. Hunter* contained this statement—

"At *Calne*, in the first turning out of *Wood Street*, are three cots of labourers, in one of which were living, when I called, seven adults and five children; they had but one bedroom, but some slept in the kitchen. Next door was a married pair with four children."

Then came *Yorkshire*. Of *Knaresborough* in *Yorkshire*, the Report stated—

"The cheapness of material at *Knaresborough* has tempted capitalists to erect rough, small, and ill-arranged cots in numbers, probably never and not now necessary. They are in many cases so poor and wretched that it is difficult to let them even at 10*d.*, 9*d.*, and 6*d.*, which are the rents demanded.

Surely it would not be to the advantage of the country that the class of men who occupied hovels like those described by *Dr. Hunter* should have votes. But the Bill in its present shape would enable persons to create votes by the erection of such hovels. In the Report of the Commis-

sioners who had inquired into the Totnes election there was this statement—

"The power of creating votes was largely increased by the quantity of meadow land brought within the limits of the borough at the Reform Bill. Sheds of a better and more expensive character than had hitherto existed were erected on the different fields, and a manufactured £10 qualification, though adopted by both sides, had added a larger number of votes to the Liberal interest, and is now only available to any extent to that party."

The percentage of hovel suffrage, if no restriction be placed upon the Bill, would in boroughs under 1,500 electors be probably equivalent to 10 per cent, and the occupiers of such tenements would be a bad class of voters. He should not go into the question as to which party might be benefited by the erection of such hovels; but it appeared to him to be clear that where the majority on one side or the other did not exceed 10 per cent—a very usual case—there was the strongest temptation to erect such dwellings. He thought that no temptation so dangerous should be placed in the hands of proprietors as that of being able to qualify a number of voters by the erection of hovels. The object of the House was stated to be that of selecting for the franchise those of the working classes who were industrious and sober, and maintained their families in a decent manner, and to omit only what had been called "the residuum." The only difference of opinion was as to how that *desideratum* could be secured. The Chancellor of the Exchequer endeavoured to secure it by personal payment of rates. He did not mean to again raise the question whether that proposal of the right hon. Gentleman was desirable. But he might say there were indications in the country that the security of personal payment of rates would be only a temporary one. The right hon. Gentleman (Mr. Gladstone) had endeavoured to find a security in a £5 line, but the difficulty in that or any figure was that its effect must frequently be grossly unjust and unequal. Every Member of the House of Commons must have found on his canvass that there were instances in which very intelligent and respectable persons, such as the foreman of a large establishment, or a schoolmaster of superior education, occupied very small houses, and consequently were without votes, while next door to such a man was, perhaps, a marine store dealer, or the keeper of a beershop, who had a vote because his house was valued at so much more than

than that of his neighbour, who in every respect was more fitted for the franchise. He ventured to think, therefore, that his Amendment afforded a better security than either the plan of the Chancellor of the Exchequer or that of the right hon. Gentleman. It was worthy of the consideration of the House to endeavour, if possible, to define what a tenement for the purpose of the franchise should be, in order to secure the necessary separation between the good and bad elements of the constituency. He must explain to the House why he proposed two rooms as the test. For many years he had paid a good deal of attention to the subject of improved dwellings for the working classes. Before he put his Notice on the Paper his friend Alderman Waterlow wrote him a letter in which there was this paragraph in reference to the buildings erected by the Improved Industrial Dwellings Company—

"The second-class tenements consist of two rooms and similar appurtenances to those attached to the first-class dwellings. The area of the floor space amounts to 275 square feet, and the cubic contents to 2,345 feet. The weekly rents vary in the same way from 4s. 6d. to 6s., and are between 5s. 3d. and 5s. 4d. per week on the average, or 2s. 7-904d. per room."

He thought that as the association with which his friend was connected acted on the supposition that a residence consisting of two rooms contained the very smallest accommodation in which a respectable working man ought to reside, the definition of a house which he proposed to have inserted in the clause would be a satisfactory one for the purposes of this Bill. He found in Dr. Hunter's Report a summary which gave these results—

"Houses examined, 5,375; number of bedrooms, 8,805; single bedroom houses out of above, 2,195; adult inhabitants, 4,918; children, 3,906; total, 8,824; equal to 4 per house."

In many cases the four persons slept in a less amount of space than was given to a single convict in Her Majesty's prisons. If they deducted the cases in which those places were occupied by single men or women, or by married persons without families, the average number of persons for a single bedroom was eight. With these facts before them he hoped the Committee would adopt his Amendment. He did not mean to say it could not be improved. He was ready to adopt the words of his hon. Friend (Mr. Pease), his sole object being to prevent a mere hovel from giving any one a qualification for the franchise.

[Committee—Clause 3.]

MR. MELLER said, that the adoption of the Amendment would be a reversal of a decision at which the House had recently arrived. He thought the hon. Member (Mr. Thomas Hughes) was incorrect in stating the other night that the working men could easily obtain two rooms for 3s. 6d. or 4s. a week. From inquiries he had instituted he was led to believe that was practically impossible. Indeed, if a man were compelled to take two rooms the qualification would be virtually raised from £10 to £15. He could not endorse the statement of the hon. Member to the effect that artisans generally were only in receipt of 24s. a week. A reference to the blue book and other authentic sources of information would show that the artisans were, in fact, receiving a much larger amount of wages. The engine-drivers, for instance, had lately been endeavouring to get 7s. 6d. a day, while some labourers were paid at the rate of 5d. an hour. His objection to the Amendment of the hon. Member (Mr. Watkin) was, that there existed a large class of men, especially in the metropolis and the great provincial towns, of whose intelligence there could be no doubt, who, in regard to moral qualities, would bear favourable comparison with the artisan class, and who occupied positions of great trust, who would be excluded from the franchise if the Amendment were adopted. The class he was referring to consisted of bankers' clerks, commercial clerks, and others in similar employments. The salaries of these men averaged from £80 to £120, and for the most part they were unable to rent two furnished rooms, which would cost them £20 a year, and at the same time they could not come upon the register by the income tax qualification. By having adopted the lodger franchise, the House had departed from the principle that personal payment of rates should be the only avenue of the borough franchise.

MR. PEASE said, he thought the last speaker had been labouring under some misapprehension respecting the Amendment of the hon. Member (Mr. Watkin), which had reference not to lodgers, but to the occupiers of houses. The object of the Amendment which he had placed upon the Paper was to amplify that of the hon. Member. It would be well for the Committee to take stock and consider for a moment where they had drifted in the present Session. After different plans had been brought before them, they had drifted into a bastard kind of household

Mr. Watkin

suffrage. He did not use that term offensively, but that was a singular kind of suffrage which was grafted on a permissive local assessment Bill. It was the interest of every man to make the Bill as effective as possible. So far as he was concerned, as an independent Member, he endeavoured to do his little best by bringing forward this Motion to remedy the defects of the Bill. It was difficult to define a dwelling-house. Rating and rental had run away from them, and the only test left was the air people breathed in a house. They ought to exclude those who had been delicately described by the hon. Member for Birmingham as the "residuum"—the class where poverty began and honesty flinched. He knew of a case in a borough where a man was objected to year by year by the various election agents. He appeared again before the revising barrister, who said, "Now, what is your qualification?" The man replied, "My qualification is as good as ever it was." The opposite electioneering agent said, "He has not a house at all." The voter said, "I had a house this morning, but those cursed Blues have pulled it down." The truth was the house was built of stakes and wattle, and the house and land together were worth £10. He objected to hovel voters and to persons who lived in cellars having votes. As healthful and decent habitations were deemed essential to the social improvement of the poorer classes, he had fixed upon 1,600 cubic feet of space as the minimum capacity of two rooms to give a vote. The cubic space allowed at hospitals was as follows:—Brighton military hospital, 1,100 cubic feet each patient; Winchester hospital, 900 feet and 1,200 feet; York, 1,425 feet. The allowance in barracks built since 1847 was as follows:—Devonport, 1,694 feet for each non-commissioned officer; 620 feet for every soldier; Portland, 700 feet; sergeants' quarters, 1,400 feet; Wellington barracks, 500 feet for every man, 2,035 feet for each non-commissioned officer, and Portsmouth, 1,662 feet for every married soldier. The cubic space he had fixed upon seemed to be the smallest that ought to be occupied by a man intrusted with the franchise. He commended this test as not interfering in any way with the sacred and holy principle of personal payment of rates.

SIR ROBERT COLLIER said, the Amendment was open to very serious objections. It proposed a definition of the term "dwelling-house" hitherto unknown

to the law, and which would operate as a disfranchisement. It would also be highly inconvenient in practice, while it would not answer the purpose contemplated. It was proposed as a test of respectability. He denied that it was such a test. One room, large and well-furnished, and ventilated, might be much more respectable than two small ones, and might command a higher rent than two rooms. And how would this work in practice? How easy would it be at any time, by putting up a partition or even a screen to convert one room into two? It would be an excellent provision for the lawyers, as it would raise all sorts of legal questions as to whether such apartments were two rooms or one. If anything could reduce the proposal to absurdity it would be the Amendment to it, which would involve measurement in every doubtful case, first by the overseer and then by witnesses, who might give conflicting evidence before the revising barrister.

MR. POULETT SCROPE said, he concurred in the objects with which the Amendments were proposed, but thought the hon. Members did not adopt the right means to secure them. The cubic feet of space a man required would depend upon the size of his family. Hon. Members would practically attain the objects they had in view if they assisted him in the effort to exempt houses below a certain value from being rated to the relief of the poor.

MR. LIDDELL said, the definition of a dwelling-house was a matter of vital importance in northern towns. They would get into trouble and difficulty if they attempted in a Reform Bill to enforce sanitary regulations, or to improve the dwellings of the poor. It was a laudable object, but he would prefer to do both directly rather than indirectly. He had received a letter from the Secretary of the Working Men's Club in Newcastle-on-Tyne. In reference to the statements it contained he might remark that there were many hon. Gentlemen in the House who professed to represent the feelings of the working class who certainly were not very well acquainted with the feelings or views of that class. It appeared that the Members approved the requirement of personal payment of rates, but they were anxious about the definition of "dwelling-house," for upon that it depended whether the Bill would be to them an enfranchising or a disfranchising measure. For instance, if a dwelling-house were to consist of one or more rooms, with the exclusive use of the front door, the

Bill would enfranchise a very inconsiderable number. If it were to consist of two or more rooms, with a key of the front door, any man who wished could obtain the franchise. The letter continued—

"Under these circumstances no party help will be required to get upon the register; if it were, we should feel bound to vote for the party that places us upon it. This would be stimulating party activity at the cost of the voter's independence."

The meaning of these words was that the working men wished to register themselves, and not to let others register them. He trusted the Government would place a liberal construction on the word "dwelling-house," and would consent to introduce the words, "or part of a house." A man's house was a rough-and-ready test of his social position. But the Committee would understand that if it were applied too strictly it would turn this measure, which was intended to be one of enfranchisement into one of exclusion.

MR. COWEN said, that if the Committee were discussing a sanitary measure he should speak much in the same strain as the hon. Members (Mr. Watkin and Mr. Pease). He was as anxious as they were that the working man should live in a comfortable dwelling. Much had been said about "a hard and fast line" of £5. But what would be the effect of fixing the franchise at two rooms, or 1,600 feet of air? It would be confining the franchise to houses of the value of £7 10s. and upwards. He understood the Government to propose to give the franchise to every man occupying a house and personally rated to the poor rate. A good deal had been said about two rooms. But in many places a man and his wife lived comfortably and respectably in one room till they had the second child. In the borough he represented (Newcastle) a single room of any size let for 2s. or 2s. 6d. a week, and in many boroughs the working man could not afford to pay a higher rent. If the Bill would draw a hard and fast line between £7 10s. and £10, why not at once insert a rental? The Amendment would be giving a hard and fast line not at so many pounds, but at a given cubic measurement of air. The effect of the Amendment would be to prevent the enfranchisement of 14,000 men in Newcastle.

MR. M'LAREN said, he thought the object of the Amendment had been misunderstood, and therefore unintentionally misrepresented. An hon. Gentleman (Mr.

[Committee—Clause 3,

Meller) talked of this Amendment raising the lodger franchise from £10 to £15. The Amendment of the hon. Member (Mr. Watkin)—keeping out of view for the present the addition proposed—had nothing whatever to do with the lodger franchise. It referred only to inhabited dwelling-houses directly rated to the poor, which lodgings could not be, and the two things were totally dissimilar. If there were 14,000 dwelling-houses in Newcastle with only one apartment, as had been alleged, it was certainly a bad state of things, and called for some remedy. He had some time ago, with a view to the Scotch Reform Bill, given notice of an Amendment of this kind, but limited to houses rented below £4. It might be supposed that hon. Gentlemen had never heard of houses that were below £4 rental; but he could tell hon. Members on the other side that it appeared from a Return obtained by an hon. Gentleman in 1862, once Lord Advocate of their party, that in Glasgow there were 34,907 houses at and under £4 rental. The Return was not complete for Edinburgh, and only included part of it, but in the one-half of Edinburgh (there being no Return from the other parish), there were 6,100 such houses; in Aberdeen, 896; in Dunfermline, 1,612; in Perth, 852; in part of Paisley, 5,870; in Falkirk, 920. In all these cases female householders were included. That Return contained a valuable summary at the end, applicable to both counties and boroughs in Scotland, which showed that there were altogether 431,793 houses rented at and under £4 assessed to the poor. Of these, 189,555 were exempted from the poor rates on the ground of inability to pay. That was nearly half of the whole number. Many of the occupants in the large towns were a wretched class, living in one apartment, often dark, ill-ventilated, damp—altogether, in many cases, unfit for human habitation. Yet these houses were rated for the poor, and the greater number of them were paying poor rates. Under the Bill the occupant of each of these houses that paid the poor rate would be entitled to a vote. The argument founded on the payment of poor rates had considerable weight from the comparatively large amount of the rates laid on in England. In Scotland the amount was not nearly so large. There was scarcely a poor rate in Scotland that exceeded 1s. 6d. in the pound, and the landlord paid one-half of all poor rates. If

Mr. M'Laren

votes were given to the occupiers of all such houses, the door would be open to bribery and corruption by political agents paying for poor persons the trifling amount of poor rates laid upon them, in order to secure their votes; and this might be done to an extent which no man could foresee. He should therefore cordially support the proposal of the hon. Member (Mr. Watkin.)

SIR GEORGE GREY said, that the hon. Member (Mr. Liddell) had imported into the discussion a matter which had no proper connection with it. He should be sorry to believe there were 14,000 families in Newcastle each occupying only one room. But the Attorney General had undertaken to meet in the interpretation clause the case of Newcastle and other places where, in what appeared to be only one house, there were several stories, in which dwelt separate families, separately rated. But that case must not be mixed up with the one introduced by the hon. Member. It would be exceedingly difficult to adopt with safety either of the Amendments proposed. They would lead to endless litigation, and would have a very wide disfranchising effect. Besides this, the questions of the franchise and the sanitary construction of houses should be kept quite distinct.

THE ATTORNEY GENERAL said, the subject now under discussion had nothing to do either with the Scotch Reform Bill or with the case of lodgers. One point for the consideration of the Committee was the definition which should be given of a house generally, and the other was a point raised by the hon. Member (Mr. Watkin) excluding from that definition houses which were not of a certain size. Upon the first of these points he had expressed his willingness to bring up a clause, if necessary, defining what a house should be; but having given some attention to the subject, he did not think such a definition would be necessary. It would be difficult to give any definition that would be more satisfactory than that which the law now provided. He quite agreed, however, that in the case mentioned by the right hon. Baronet, where there was a self-contained flat or storey, separately rated, constructed for use as a separate tenement, and held as a separate tenement, it should be a house within the meaning of the Act, entitling the occupier to a vote, and he believed that under the law as it now stood such houses were clearly entitled to a vote. All recent decisions tended in that direction. It was quite clear that the occupiers

of flats in Victoria Street, for instance, would be entitled to a vote. He had looked at a plan of several houses in Newcastle, and he thought it very doubtful whether those houses would come under the category which he had indicated. Many of those houses in Newcastle had not one door, shutting in one flat or portion of a house, but a long passage with a great many doors opening into various rooms, and there were besides various offices which all the occupiers of the building enjoyed in common. It would be very difficult to define a house so as to include tenements of that kind. With respect to the Amendment of the hon. Member (Mr. Watkin), no doubt it was not intended that every hovel should give a vote; but it would be difficult to legislate as to the size of a house, and if this were done a proviso which had been suggested that each room should have a window admitting light from the outside would appear to be not unreasonable. There was, in his opinion, exaggeration as to the number of houses which had but one room. From his own experience, he should say such houses were few. It might be necessary, however, to have an interpretation clause at the end of the Bill, and he would therefore suggest that the matter should be left for future consideration.

MR. HEADLAM said, that the present state of the law was not satisfactory, and would exclude several persons who ought to be included. He was not aware that the houses in Newcastle were very different from what they were in other large towns. The clause as it at present stood would exclude a great number of persons who were entitled to the vote. If they began to descend to minute distinctions the result could only be to embarrass and perplex the question. The plain and conspicuous distinction that should be kept in view he believed to be this—that every tenement separately rated, and the rates of which were paid, should confer a vote. He gave notice that he should propose the adoption of this definition, unless the Attorney General would undertake to introduce it. He trusted the House would not refine about doors and windows and so forth.

THE ATTORNEY GENERAL: If my hon. and learned Friend will submit any definition of a house, I am quite prepared to bring in an interpretation clause. It appears to me there may be objections to the words “separately rated.” A great deal in this matter depends upon the prin-

ciple on which the rating can be insisted on. Can any room in a house at the will and pleasure of the overseer be rated? I will consider when we come to the interpretation clause whether we shall add the definition to it.

MR. HENLEY said, that much light had been thrown on the question, What constitutes a tenement by the decisions of revising barristers? and now the difficulty was about the new buildings which might be occupied as tenements and separately rated. He supposed that the law as it now applied to houses above the value of £10 would be equally applicable to tenements under that value after the passing of the Act. He quite agreed with the right hon. Gentleman (Sir George Grey) that if there was any difficulty it might be removed by an interpretation clause at the end. The decisions of the Revising Barristers and of the Superior Courts would enable the Attorney General to draw up such a clause.

MR. PEASE said, after what had passed he would withdraw his Amendment, hoping to find the question in a better shape in the interpretation clause.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER said, no doubt the hon. Member (Mr. Watkin) would feel that the best course for him to adopt was to withdraw his Amendment, as the Attorney General had promised to bring in an interpretation of the law.

MR. SERJEANT GASELEE said, he hoped the hon. Member would withdraw his Amendment.

MR. WATKIN said, he had no alternative but to submit to the right hon. Gentleman's proposal; but he hoped it would be thoroughly understood that the principle he contended for would be considered in the interpretation clause.

THE CHANCELLOR OF THE EXCHEQUER: If the proposal of the Attorney General does not meet the hon. Gentleman's views, he will have ample opportunity for discussing the question.

MR. WATKIN said, he was willing under these circumstances to withdraw his Amendment, leaving the responsibility with the Government.

Amendment, by leave, *withdrawn*.

SIR FRANCIS GOLDSMID said, he had to move that no man should be entitled to be registered as a voter by reason of

his being a joint occupier of any dwelling-house. He thought that, though it was the intention of the Government that a house should qualify only a single voter, the clause as it stood would enfranchise two or half-a-dozen occupants if they were all assessed to the poor rate, one effect of which would be to encourage overcrowding at the expense of sanitary considerations. The words of the clause were "an occupier" not "the occupier of a dwelling-house."

Amendment proposed,

At the end of Clause 3, to add the words "Provided that no man shall, under this Clause, be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling house."
—(*Sir Francis Goldsmid*.)

MR. CANDLISH said, he would suggest that this point should also be remitted to the interpretation clause.

MR. KARSLAKE said, he concurred in this suggestion. Rogers' *Law of Elections* contained a number of decisions upon the meaning of "a house," and also some bearing upon the present question, which would be of assistance in the construction of the interpretation clause. There was, no doubt, some difficulty in the definition of "a dwelling-house," and he had heard an hon. and learned Member (Mr. Serjeant Gaselee) argue that occupation and residence were synonymous.

THE ATTORNEY GENERAL said, he was quite willing to take up the question for the hon. Baronet, unless he preferred it being disposed of now.

SIR FRANCIS GOLDSMID said, the present question was whether joint occupiers should have a vote, and this, having nothing to do with the definition of a dwelling-house, might be disposed of at once.

MR. CANDLISH said, that the question ought to await the interpretation clause, in which the case of persons occupying separate portions of a house, but using certain appurtenances in common, would have to be dealt with.

MR. HEADLAM said, persons might be excluded who jointly occupied domestic offices, though they had separate dwellings, and therefore he pressed for a division.

Question put, "That those words be there added."

The Committee divided:—Ayes 259; Noes 25: Majority 234.

Amendment agreed to.

Words added.

Sir Francis Goldsmid

MR. HODGKINSON said, he rose to move the insertion at the end of the clause of the following words:—

"Provided always, That, except as hereinafter provided, no person other than the occupier shall, after the passing of this Act, be rated to parochial rates in respect of premises occupied by him within the limits of a Parliamentary Borough, all Acts to the contrary now in force notwithstanding."

After the various suggestions that had been made for dealing with that somewhat troublesome class of voters, the compound-householders, it might be deemed an act of presumption on his part to attempt to dispose of them in the very summary way contemplated by his Amendment—namely, by annihilating them altogether as compound-householders, and reviving them on their original character of ordinary rate-payers. The Amendment was conceived in no hostile spirit to the Bill of the Government. So far from being antagonistic to any principle of the Bill, it was essential to the satisfactory and permanent working of the leading principle—the principle of the personal payment of rates. A system which depended upon personal payment of rates as a qualification for the franchise, and a system of compounding for rates by which the owner might be rated instead of the occupier, contained elements so antagonistic that they could scarcely co-exist within the same area of rating. If when the Compounding Acts were introduced they had touched the elective franchise, they would not, he believed, have been passed. The first of those Acts was 59 *Geo. III.*, commonly called Sturges Bourne's Act, which applied to tenements of between £6 and £20 a year, and to tenements let for short periods or in separate parts to different tenants. When it passed there were in many boroughs franchises, such as the scot and lot franchise, which depended on the payment of rates. In order to prevent the electors from being deprived of their right a clause was introduced somewhat similar to that he proposed—

"That nothing in the Act should extend, or be construed to extend, to give any power or authority to assess the owner, not being the occupier, of any house or dwelling in any city, borough, or town corporate in which the right of voting for a Member to serve in Parliament depended on the assessment of the occupier to poor rates."

The next public Act on the subject was the Small Tenements Act of 1850. That Act contained no provision exactly analogous to that which he had just stated. The reason for that was that the Reform Act of 1832 had been passed eighteen

years before, restricting the occupation franchise to tenements of a value not less than £10. Therefore the Small Tenements Act had no operation upon the Parliamentary franchise, its operation being restricted to tenements, the annual value of which did not exceed £6. When the Small Tenements Bill was before Parliament it was conceded by every one who took part in the discussion that if it had any operation upon the Parliamentary franchise it would be an improper Act to pass. It had, however, an operation upon the municipal franchise, and so tenacious was the Legislature upon the rights of voters, that a special clause was introduced providing that it should not in any way restrict the municipal franchise. If the compounding Acts conferred any material benefit upon the community at large, or upon any class of parishes, an objection might exist even to the very partial interference with them contemplated by his Amendment. But it was more than doubtful whether their operation had not been directly the reverse of beneficial. From the communications he had received since he put his Amendment on the Paper he felt perfectly justified in saying that in the towns where those Acts had been in force for some time there was anything but a unanimous feeling in their favour. The Act of 1850 had now been in operation for seventeen years, and every opportunity had been given to parishes to bring themselves under its provisions. Where the parishes had adopted it they had generally done so in a period of distress among the labouring classes. During those seventeen years almost every town had experienced such a time of distress, and it was not very surprising that on those occasions they had endeavoured to arrange their parochial burdens upon the footing of that Act. In those seasons of distress there occurred a considerable loss in raising the rates from the labouring classes. But it would be better that that loss should be temporarily borne than that the general body of occupiers should be subjected to increased rates for all time to come. The parochial authorities were always greatly in favour of the system of compounding, because it saved them much trouble, and they no doubt exercised great influence in procuring the adoption of the Act within their respective parishes. There was another reason for the adoption. When these Acts were proposed to be brought into operation every ratepayer was entitled to vote in the vestry,

and the vestry meeting could be made up largely of the occupiers of small tenements, who would naturally vote, upon superficial grounds, for what appeared at the first blush to be a transfer of their burdens to the landlords. With these inducements it might be expected that that Act would have been generally adopted. But at the present time less than one-third of the parishes throughout the kingdom had done so. Fewer than one-half of the parishes within the limits of the Parliamentary boroughs had adopted it. Out of the 221 boroughs in England only 57 had adopted these Acts throughout their entire limits. Once adopted, indeed, they were very rarely or never rescinded. That was easily to be accounted for. When once the system of compounding had been introduced by the votes of the smaller class of ratepayers, their power of voting in the vestry passed over to their landlords. Moreover, the Act, though it might be adopted by a simple majority, could not be rescinded except by a majority of two-thirds. It was now generally acknowledged that the occupiers of those small tenements did, in fact, pay the full amount of the rates, and perhaps more, in the shape of additional rent, and that the landlords put the difference or discount into their own pockets. It was easy, therefore, to understand why, when the owners had the voting power instead of the occupiers, the Acts, after they had been adopted, were not rescinded. The compounding Acts committed not only a great injustice upon the smaller occupiers, some of whom on the ground of poverty under the old system would have been excused altogether from the payment of rates, but also upon those who occupied houses above the compounding value. Those who paid the full rate, of course, had to contribute more in consequence of the deficiency of the compounder, because what the parish wanted was a certain amount of money, quite irrespective of what it might amount to in the pound. It might be said that it would be impossible to carry out the rate-collecting in large towns were it not for the compound system; but he took the liberty of doubting that, because he found that it was not in operation in many large towns, and he asked why, if Liverpool could do without it, could not Manchester? If Stockport could do without it, why could not the neighbouring towns of Lancashire? If Oldham, why not Rochdale? If Stoke-on-Trent, why not Newcastle-

under Lyne? He believed that in the metropolis itself, particularly in the City, there were large areas of rating in which the compound system did not exist. The system was not without advantages, in an economical point of view, but all its advantages might be retained, while, at the same time, the system itself was done away with. If the proposal of the Government were carried out as it stood, it would be necessary to have a very complicated machinery. Every ratepayer occupier would have to be placed on the rate book, and the overseers would be bound to ascertain the correct name of the occupier or be subject to some penalty for omitting it for the purpose of affecting his Parliamentary right. It would probably be thought by some that the effect of the Government proposal would be that the better class of ratepayers would claim to be rated and the worst would be left to the landlord as compounders. His opinion was different. He believed that if the Government proposal were accepted as it stood, it would be the lowest class of tenants from whom it would be almost impossible to collect the rates who would get on the register in consequence of the landlords insisting upon their claiming to be rated, while the better class would be left off, because the landlords would object to lose the benefit of the allowance on the composition, and would not allow them to be rated. Taking all the circumstances into consideration the balance of convenience was immensely in favour of the total abolition of the compounding system. It might be said that his Amendment would burden the Bill with what did not belong to it. He did not think that the additional weight imposed by the abolition of the system would be materially greater than that which would be imposed by the Amendment of the Chancellor of the Exchequer. The right hon. Gentleman proposed that every occupier throughout the parish "might" be rated. His (Mr. Hodgkinson's) Amendment was simply that every ratepayer "should be," instead of "might be" rated. That was the only difference. The Amendment did not in any way interfere with the principle of the Bill, which was that of personal payment of rates, while it would get rid of "the residuum," because that would be composed of a class which never would pay the rates in any case. If the Bill should become law without some Amendment such as that he proposed, so far from being a settlement of the ques-

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tion, it would only lead to renewed agitation.

Amendment moved at end of clause to add the words—

"Provided always, That, except as hereinafter provided, no person other than the occupier shall, after the passing of this Act, be rated to parochial rates in respect of premises occupied by him within the limits of a Parliamentary Borough, all Acts to the contrary now in force notwithstanding."—
(Mr. Hodgkinson.)

MR. AYRTON said, he should like to have some explanation from the hon. Gentleman as to what was meant by the words "as hereinafter provided."

MR. HODGKINSON said, that if his Amendment were agreed to it would require to be supplemented by some further provisions. Indeed, some had already been suggested by the hon. Member (Mr. Childers).

MR. GLADSTONE: After the explanation we have just heard, it seems to me we have before us a proposal which means either the repeal *simpliciter* of the Compounding and Small Tenements Acts, with a view to a more large and equal extension of the franchise below £10, or else one qualified by the proposal of my hon. Friend (Mr. Childers), who would allow those Acts to remain in existence in all cases in which by deliberate agreement between the occupier and the owner a desire is expressed that they should be retained. I do not wish to draw any vital distinction between these two proposals, or rather these two forms of the same proposal. I think, so far as I am able to judge, that the rider of my hon. Friend is a decided improvement on the original and naked proposal of the hon. Member (Mr. Hodgkinson). I cannot, at the same time, disguise from the Committee that this is a proposal of great importance, and I am anxious to express in as few words, and with as much clearness as I can, the precise views I take of it, and which are taken of it by many of those with whom I have communicated on the subject. I am glad the Chancellor of the Exchequer is in his place, and I am sure it is not necessary to request his attention to anything which may fall from any Member of the House, but I am particularly anxious to convey to his mind with the utmost distinctness the views to which I have just adverted. My hon. Friend (Mr. Hodgkinson) seems to suppose that the weight of this Bill—which he admits is very great—will not be much increased

by the addition to it of the proviso which he has moved. I am so sanguine as to believe that under certain circumstances the weight of the Bill—that is to say, the difficulties in the way of passing it into law—may not only not be much increased, but may be practically and materially diminished by the adoption of some such proposal. I shall, if I can, without unnecessarily repeating epithets of an invidious kind, endeavour to describe the position in which I and some other Members stand on this occasion. The House has on two occasions, by a majority in the first instance not inconsiderable, and in the second instance by a large majority, established as a fundamental principle of the borough franchise—against which principle I with others most earnestly and strenuously contended—that no compound-householder should be a voter, and that every non-compound-householder should be a voter. The proposal made by Her Majesty's Government was—choose between the franchise and the composition. That proposal has been deliberately adopted by the House, and upon the latter of the two occasions adopted by a large majority. It is impossible for me to acquiesce in that principle in the form in which it now stands in the Bill. While the vote of the House of Commons amounted to what I must describe—and I am claiming no assent from any one—as the adoption of the principle of household suffrage, it is household suffrage attended, in my opinion, with restrictions of a nature most unjust, most vexatious, and most certain to lead to that which we all desire to avoid—prolonged agitation till they are swept away. Against these inequalities we, the minority in the last division on this subject, protested, and must continue on every fair and reasonable occasion to protest. With respect to the provisions of the Bill which appear to establish the principle of household suffrage, it is not our intention to propose any limitation. The only course open to us in respect to the Bill as it now stands is to offer it certainly not a factious or vexatious, but a decided resistance. I abjure the intention of resorting under any circumstances to those methods of extreme opposition sometimes adopted, which consist in dividing again and again on questions with respect to which the House has deliberately pronounced its opinion—a course pursued not with a view to produce a change in the judgment of the House, but to delay by the means of

physical obstruction the moment of the final triumph of those against whom it is adopted. That being our position, I must consider what is taking place and what is likely to take place out of doors. With the view I take of the opinion of the country with respect to this Bill, I cannot contemplate without the greatest pain the probable re-commencement and continuance of a most resolute opposition out of doors of a character which I cannot pronounce to be illegitimate; because though a resistance in this House to the judgment of the House deliberately pronounced and pushed beyond a certain measure might be called factious, yet these agencies out of doors, which are intended to form, to develop, and to mature public opinion, are the legitimate expressions of the people, by which bad legislation is to be corrected. I will not disguise from myself for one moment the serious mischief that might attend that kind of movement. Although, if we were to conduct this controversy in a spirit purely polemical, I should say that the Government, and they alone, are responsible for the mischiefs which have been wrought out of bad legislation, yet that, as I think, is not the spirit in which these questions should be regarded. There is a paramount duty imposed on the Members of this House, to be ever ready in every juncture and crisis to make the best of the circumstances in which they stand, and, if possible, to arrive at such an accommodation of great questions as may, if not avoid minor and secondary evils, lead to some settlement of the subject in discussion. I wish to ask myself the question fairly, and to answer it impartially, whether the incorporation of the proposal of my hon. Friend (Mr. Hodgkinson) in this Bill would or would not so mitigate the evil, and so increase the advantage of the Bill as to warrant that number—still, I believe, a larger number—of Members of this House who, like me, take the view and entertain the conviction that the provisions of the borough franchise as they stand in the Bill, are wholly unworthy of acceptance by the country in accepting it. If I attempt to analyse the option which the Government propose to offer, and which the House has agreed to offer, I find it is this. The principle is, choose between the franchise and the composition. My first proposition is that my hon. Friend adopts the fundamental basis laid down by Her Majesty's Government, because, *totidem verbis*, were he to incor-

porate the spirit of the Amendment, he could not do otherwise than express it in the same terms as those used by Her Majesty's Government—that is to say, he accepts and founds it upon the option between the franchise and the composition, and he says, “the franchise shall exclude the composition; the composition shall exclude the franchise.” The first condition attaching to this question, and which I cannot but perceive, is that Her Majesty's Government can have no objection whatever on the ground of principle or consistency to the acceptance of the Amendment of the hon. Member. Her Majesty's Government, so far as I know, are free to accept or to reject this Amendment upon its merits. But they cannot possibly be precluded from accepting it by its inconsistency with the principle of the Bill. I am not about to make any effort to undermine their position. I heartily wish we were enabled to secure for the country the economical conveniences and social advantages of composition along with the political benefit of the franchise. But I have been—but do not let me appear to speak egotistically—those who have taken this view have been definitely overruled. It is not therefore in extenuation of the success achieved by the Government that I speak. It is with no view to the diminution of that success. It is upon an honest, unequivocal recognition of it that I proceed, and say that the principle of the Amendment of my hon. Friend is the very principle upon which the Bill of Her Majesty's Government is founded. The right hon. Gentleman the President of the Poor Law Board on one occasion most emphatically defined the principle of the Bill, and he has not been contradicted by any Member of the Government who has spoken. He said it was the principle of personal rating, and the principle of personal rating is that on which my hon. Friend has founded himself. My hon. Friend offers us this advantage. He offers us, at the expense of an economical and social inconvenience—at the expense, at any rate, of foregoing an economical and social advantage—he offers us, instead of an extension of the franchise, which we conceive to be limited, unequal, equivocal, dangerous, as tending in many parts to corruption, an extension of the franchise which is liberal, which is perfectly equal, and which we could not denounce as tending to corruption, because it would have the effect of placing the franchise in the possession of those, now

excluded, whom we regard as best entitled to enjoy it. My hon. Friend offers us this advantage at the expense of an economical inconvenience. On the other hand, it is proposed to mitigate that economical inconvenience by allowing those persons who prefer the economical advantage of composition, to the franchise, to pass into that condition if they please so to place themselves. I think that the Composition Acts are of great advantage to the country. My chief objection to them is to the disabilities they entail. If I had it in my power to amend these Acts, I would amend them by removing those disabilities. Still the question is this—which of the two great elements contained in this subject, one of them political and constitutional, and the other of them social and economical, which is primary and which is secondary. My duty is to endeavour to secure the primary advantage at the expense, if necessary, of the economical and social convenience. One objection, which appears to me of itself quite weighty enough to be fatal, is that the Bill as it stands leaves it to the vestries of parishes to determine, in the first instance, the extent of the Parliamentary suffrage. The plan which my hon. Friend proposes entirely removes out of the way that objection. With its adoption no limitation at the will of the local authorities will be placed upon the possession of the suffrage by those whom Parliament selects for enfranchisement, unless it be by their own deliberate choice. The Bill as it stands theoretically invests men with the franchise, and at the same time places them in most cases, I am afraid, in irreconcilable antagonism with their landlord in endeavouring to obtain it. That evil, if not wholly removed, will be at all events mitigated by the Amendment proposed by my hon. Friend. A man is put in possession of the franchise, and, instead of having to perform a process which to him would be, I believe, a most difficult one, in order to obtain it, he will have to go through a process in order to divest himself of it. I have thus endeavoured to state the position in which, along with myself, many others stand in regard to this Bill. That position, as the Bill at present stands, is one of uncompromising hostility, of course to be governed as to the forms of its manifestations by considerations of propriety and prudence. Desirous, if possible, of finding a way of peace, I have endeavoured to look at my hon. Friend's proposal with that object. I am sorry that, in deference

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to what seems to me to be an unwise judgment of the House, it is necessary to interfere with the system of composition which exists throughout the country. But if the practical considerations are to prevail, my duty is plainly to choose the lesser of two evils. I think that the abolition of composition, combined as it will be with a removal of the necessity for a baneful political strife throughout the country, and with the great boon of an immediate, real, and liberal enfranchisement, is an advantage such as entirely eclipses and throws into the shade the mischief which we may regard as the price at which we are to purchase this boon. For myself, I am ready to accept the proposal of my hon. Friend. In so doing I do not accept it in preference to the basis on which we desired to act. I accept it simply as the best proposal of which the circumstances will admit. I think that, all things considered, it is a plan worthy of acceptance by the Committee, the Government, and the country. It may be urged that the proposal of my hon. Friend is one of a large character, and one which ought not to be embodied in this Bill lest it should awaken opposition as yet unaroused and encumber our proceedings. My conviction, however, is that the mind of the country is so awakened on the subject of Parliamentary representation that those whom we may call the intelligent public, without distinction of place or party, are ready to do that which I myself am prepared to do upon the same grounds—to submit to a sacrifice and inconvenience for the sake of a settlement of a great political problem, a problem which, if not settled, may become to us a source of public danger, involving, possibly, much that has not yet been drawn into the vortex of political controversy. If there should be a disposition on the part of the Government to consent to the principle of the Motion of my hon. Friend, that consent will, I hope, be given in such a manner as to make it valuable and available for the purposes of the Bill. We may be told that the proposal is one which, having reference to the subject of rating arrangements, ought not to be mixed up with the franchise. The answer, however, is plain that these rating arrangements are already unmistakably mixed up with the proposals of Her Majesty's Government. Indeed, an Instruction has already been actually given to the Committee, expressing the belief of the House that the two subjects of rating and of the franchise are as-

sociated in the measure, and that it is desirable to leave the hands of the Committee free in regard to the question of rating. Whether, indeed, the simultaneous adoption of the principle of the Amendment of my hon. Friend in a separate measure, prompted and facilitated by the Government, might be equivalent to its insertion in the present Bill I will not at present say. But I think I may venture to say that nothing less than that would be at all satisfactory. I am bound to say for myself, and I think for many of those who sit near me and around me, that nothing less than that could possibly have the smallest effect upon our opinion of the provisions of the Bill. The prospect of proceeding in future years to re-consider this question and further to extend the franchise either by the abolition of the compounding Acts or by altering the provisions of this Bill, is a prospect of which we are already in possession. For myself, I frankly own that if the question of placing the franchise on an equal footing is relegated to another Session, I retract my promise of support to my hon. Friend. In that case it would clearly be my duty to oppose again what I regard the unsound and vicious provisions of the Bill. It is on account of the immediate boon, for the sake of the immediate settlement, and with a view to the removal of those popular proceedings which I anticipate out of doors, that I am ready to accept the Amendment of my hon. Friend, and to pay the price demanded for that boon. But if I am not to gain those objects, if the Bill is to go forward in its present state unaccompanied by the proposal of my hon. Friend, then the opponents of this Bill would not be able to refrain from soliciting the opinion of the country upon it. I make these observations simply with a conviction that there is a hope, and possibly a last hope, of peace, of concord, of general assent on the part of all classes and parties in this House and out of this House to the adjustment proposed by the Government of a contested question. This is not asking a sacrifice on the part of the Government. After all that has passed such a demand, if it had to be made, ought perhaps to proceed from others rather than from me. It is in accordance with the principle of the Bill, with the principle adopted by the House, and its acceptance in this form will enable us consistently with our own convictions, and in pursuance of our public

[*Committee—Clause 3.*]

duties, to consent to this compromise. I hope—I cannot say with what earnestness I hope—that the door thus opened may be found to afford a passage in which we may be able to proceed. I am afraid there is no other opening likely to occur. I am not a lover of circumstances by which the business of governing this country is taken from within the walls of this House and transferred to places beyond them. I foresee—I think I may say that I see, and not foresee—that that is the state of things at which we are likely to arrive, unless some measures be adopted to prevent it. [“No, no.”] My hon. Friend (Sir George Bowyer) must not put an exaggerated meaning upon my words. I do not mean to say that the whole functions of Government are likely to be transferred out of the hands of this House to others. But what I do say is this—that when upon any question, and especially upon a great and vital question of the time, popular agitation commences and the people meet in thousands in every part of the country for the purpose of protesting against the proceedings of Parliament, and declaring that, in their view, they cannot be acquiesced in, that may be a state of things which he contemplates with satisfaction, but I can only say that it causes me great apprehension. I therefore hope it may be consistent with the views of the Government to accept my hon. Friend’s Amendment, as it is not in the slightest degree inconsistent with the principles of the measure they have in hand. To make this appeal is upon our part a complete waiving of the ground upon which we have stood. It is the only way in which we can depart from that ground with propriety and with honour; and as far as I am concerned, I am ready to take the responsibility of doing it for the sake of peace. But if that proposal be not accepted I shall feel that I have done all that the love of peace requires, or can dictate, to those who are most influenced by that desire.

MR. BASS said, that the sooner means were adopted for getting rid of the compound-householder the better. The system of compounding had not a single social or economical advantage. The original Act was passed in 1819, during a season of extraordinary distress consequent upon the war. In his neighbourhood at that time householders were taxed for the relief of the poor to the extent of 14s. in the pound on the rack-rent, while they were now only rated at 10d. in the pound. The

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compounding system was thus especially applicable to the occasion, inasmuch as it was almost impossible to collect the excessive rates from the poorer householders. But now, instead of tending to a saving, the system caused expense, as he would show. That same place was now divided into several townships, having distinct administrations for the management of their poor. The principal district—with a population of some 12,000 or 15,000—collected in January last, without assistance from the compound rating system, a small rate amounting to £600, not at a loss of 25 per cent, but of less than 1 per cent. During the last four years the loss had not been more than 2 per cent, and the cost of collecting less than 3½. But in those districts where compounding prevailed there was first a rebate of 25 per cent from the landlord, and still the rate cost 5 per cent to collect. He would therefore eagerly vote for the Amendment, not only because he believed the compounding system was bad, but because the Amendment would help to get rid of all odious inequalities and invidious distinctions, and perhaps lead, as the right hon. Gentleman had said, to a peaceable solution of the differences of opinion on the Bill.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Gentleman (Mr. Hodgkinson) very accurately described the position of this question when he said that the proposal which he brought forward was not at all opposed to the principles upon which the Bill of the Government is founded. There can be no question about that. On the contrary, it must be evident that if the policy recommended by this clause should be brought into action, it would enforce the policy which we recommend, give strength to the principles which we have been impressing upon the House as those which are the best foundations for the franchise, and give completeness to the measure we have introduced. Sir, when we considered this question, we thought the principle upon which we proposed to construct the franchise for boroughs was one of such virtue that it would in the end overcome all difficulties that might at first oppose its complete and symmetrical action. I would observe that those who are in favour of what they call household suffrage, but who, at the same time, deprecate the exercise of the franchise by what in modern phrase is called “the residuum of the people,” are inconsistent in their

complaints that we accompanied the franchise with anything in the nature of what they call restrictions. If they are in favour of the principle of household suffrage, but admit that it ought to be accompanied with some principle of selection, they must acknowledge that if value be not introduced as an element of the suffrage, the principle of rating is the only one in reserve and the only one that can be applied. Therefore, nothing can be more inconsistent and absurd than for them to complain of restrictions. If they were in favour of universal or manhood suffrage, and so on, they might with consistency complain of the conditions we propose as restrictions. But those who, night after night, have advocated what they call household suffrage, have told us also that it is the *Vis Romuli* against the influence of which we must guard. Therefore for them to tell us that the proposal we have introduced, as to the manner in which rates shall be paid, is a restriction, is assuming an absurd and inconsistent position. Those who think it would be wise and desirable that the franchise should be established on the principle of value are quite consistent in talking of the arrangements we propose regarding the franchise as a restriction. They maintain that the principle of value is a sufficient test, and therefore that no further regulations are necessary. But those who are for household suffrage, and at the same time admit that there is a portion of the population falling within this condition to whom the privilege of the franchise could not be safely intrusted, and who yet attack our scheme as one involving restrictions, are entirely inconsistent. Our answer with regard to those who would found the borough franchise on the principles of the existing borough franchise is that there is no strength left in them. Attempts have been made and failed. They are worn out. During fifteen years of miserable rottenness innumerable projects have been brought forward in this House with that one object in view, and the House has obtained a reputation for insincerity in dealing with the question of Parliamentary Reform which is utterly unjust. What has been the attitude and conduct of the House? They had no confidence in the proposals that for a number of years have been brought forward, they knew there was not one of those proposals round which the sense and convictions of the country could be rallied. And that was the real cause of the failure. Her Majesty's Go-

vernment, when they undertook this great duty, determined to found the policy which they recommended upon a principle. And they had the greatest confidence in that principle. They believed that, discarding this fluctuating and uncertain principle of value, and taking the general condition of the population of the boroughs, a better and surer principle might be established. We said to ourselves that an individual who lives in a house and fulfils public duties, who is placed in a position in which some of the ordinary obligations must be discharged, who is rated to the financial arrangements of the community of which he is a member—will necessarily be called upon to fulfil more formal, but important duties. He will have to elect his local representatives, to watch their conduct and call them to account, and thus take an interest in the public life of his district. We said that such a man may *primâ facie* be intrusted with the still higher privilege and duty of electing a representative to Parliament. That is the principle of our Bill. The strength of that principle has been proved by two circumstances. First, that although this measure was introduced into Parliament by a Government in a minority, and although their proposal was received with great severity by their habitual opponents, the principle has so asserted its way that it has been accepted not only, as the right hon. Gentleman (Mr. Gladstone) admits, by considerable, but by decisive and overwhelming majorities. That is the first proof that the principle on which our franchise is founded is true. The second proof is that after all these controversies, after all this prolonged agitation, after every effort of ingenuity to oppose, and every exertion of intellect to criticize our proposals by the Gentlemen sitting opposite to us, we have to-day a formal Motion which, without using any language of exaggeration, would effect a great social change in the condition of the country, made by an hon. Gentleman opposite, and recommended by the right hon. Gentleman who hitherto has been the most uncompromising opponent of our policy. I say there must be something in this principle hitherto decided which has received such signal corroboration. In the principle of payment of rates, in the public duty which the acquirement of the franchise will convey with it, and in the discipline which it will entail there is something that carries to the common sense of the country and to

the mind of Parliament a conviction that this is a sound and true principle on which the borough franchise ought to be established. And that not only by triumphant majorities. The proceedings of this evening, still more characteristic than the struggle of parties or the heat of Parliamentary contests, show that the force of conviction has sanctioned this principle as the only principle on which the borough franchise ought to rest. No doubt, in the application of that principle to England there have been great difficulties. It is unnecessary for me in any detail to advert to them. The hon. Gentleman (Mr. Hodgkinson) has with great clearness and ability recapitulated this evening the chief features of our legislation on the subject of rating. No doubt there are great difficulties at present in the application of the principle. But this is not the first time that difficulties have been experienced in the application of great principles, and it will not be the first time, should this franchise succeed, that such difficulties have been surmounted. We always anticipated that these perplexities which certainly have had full justice done to them in Parliament must arise. We always believed that difficulties would have to be encountered at first, but eventually that they would disappear. I do not dwell on the efforts which have been made to aid the effort of the compound-householder desiring to acquire the franchise. I will not dilate on the general result of the clauses that I have placed on the table for that purpose. Those who are of candid minds will at least acknowledge that however great the difficulties originally to be encountered, they have been greatly modified, if not entirely removed, by the clauses we have put upon the table. But the fallacy of the view of the right hon. Gentleman which has influenced him to-night, and which has pervaded his conduct throughout the whole of the opposition to our measure is this, that he has, from the first, accepted as a conclusion on which all his strategy ought to be founded, the whole course of his conduct regulated, and all the advice given to his friends adjusted; that we had fixed on this foundation for a franchise in order to reap the advantage which the rating Acts would give us in restricting the suffrage. Sir, that has been an entire mistake. In our first arrangement a proposal similar to that offered to-night was contained as part of our original scheme. But when we had to consider the immense

difficulties of the question, the weight of the business that was to engage the attention of Parliament and the country, in a real, earnest, sincere, and comprehensive scheme of Parliamentary Reform, we hesitated to encumber a ship already freighted with a cargo of great price with burdens which must add to the perils of the voyage. What did the right hon. Gentleman tell us the very first night he addressed us on the subject? He lauded these Acts as the results of the advancing civilization of the country. If we had come to Parliament and proposed not only that the franchise should be based upon a principle of real renting and residence, but that we should simplify the matter by the repeal of all the rating Acts, the champions of advancing civilization would have flown at our throats, and it would have required considerable time, a great deal of dispassionate discussion, and many vicissitudes of Parliamentary life before we could arrive at the calm, philosophical result which I hope will distinguish our deliberations this evening. Now, let me speak of this Motion of the hon. Gentleman. I need not say that as far as the spirit, not of the Amendment, but of the proviso of the hon. Gentleman is concerned, Her Majesty's Government can have no opposition whatever to it. It is the policy of their own measure—a policy which if they had been masters of the situation they would have recommended long ago for the adoption of the House. But the House will, of course, perceive that in the application of this policy we must proceed with the utmost prudence and consideration. I do not think myself, as far as I can form an opinion on the subject—and it is one to which I have given long and painful thought—that it would be desirable or possible to deal with this question merely by a proviso in the Reform Bill. At the first glance I see a great omission. There must be a saving clause, and that of a large character, referring to all existing contracts and arrangements. When you remember the number of Acts that we have to deal with we should, I think, be involved in innumerable difficulties and perplexities were we to adopt the proposal of the hon. Gentleman, and to trust for a solution of them all to this simple proviso. I confess myself that I think this is peculiarly a question on which the opinion of the House ought to be expressed. We stated from the beginning the principle which we thought ought to be the foundation of the franchise, without

the adoption of which we could not proceed with the measure. But, in giving effect to that principle, we have from the first courted the advice and assistance of the House. Months ago, it is possible I might in vain have proposed a policy which is now generally accepted as of the wisest character. But it is proposed now by the House of Commons. Proposed by the House of Commons, Her Majesty's Government, even under other circumstances, would have paused before they refused to accept it. But being a policy which is one to carry out our own original view—to affirm, establish, and render triumphant the principle on which we have proceeded—it required no solemn tones of admonition from the right hon. Gentleman to induce me to express my cordial acquiescence in the proposal before us. But I must again impress on the hon. Member that it would not be wise in him to hurry the House to a decision on this matter. Otherwise he may involve them in great difficulties. I confess that, subject to the judgment of the House, my opinion is that separate legislation would be the better course. You will otherwise cause great delay, impede the progress of the Reform Bill, and I doubt not so efficiently deal with the question. But this is a point which the House have to consider. If upon reflection they believe separate legislation will be the better course, taking that to be the opinion of the House of Commons, I shall be perfectly prepared, on behalf of Her Majesty's Government, to undertake the task. But I should say that we ought to proceed with the Reform Bill without loss of time. We may even provide for the case of the compound-householder. The separate Bill may be so constructed as to completely fit in with this measure. I have told the House what are the feelings of the Government and what were our original plans. I can take no credit for any sacrifice on our part in the course we are adopting with respect to the hon. Gentleman's proposal. In the month of May the House on reflection, and after experience and observation, have arrived at a conclusion which I should have been glad to see them arrive at in the month of March. No doubt they are proceeding with a prudence and propriety which will lead to most satisfactory results. But I wish, as far as the Government are concerned, that our feelings in taking the course we have adopted should not be misunderstood. We have had dark allusions

to the very agitated and dangerous state of the country in reference to the position of the Reform Bill and the treatment of this question by the House of Commons. I do not believe anything of the kind. I do believe that more monstrous exaggeration never was indulged in. I have no doubt there are individuals who, having long tried with what I may call blundering hands to settle this question, may be exceedingly annoyed that those who have been their rivals in the enterprise have been more successful. But that the great body of the nation is now brooding in sullen and dangerous discontent over the labours of the House of Commons, who, every candid and rational mind must feel, are doing all in their power to bring this question to the solution so long desired—that is a statement which cannot be established. Whatever may be the influences that regulate the conduct of others, I can assure the House that Her Majesty's Government, in the course they are taking, are not influenced by the terrors which have been depicted, and the agitation with which we have been threatened.

MR. CHILDERS said, that excepting certain observations which he did not suppose the Chancellor of the Exchequer would have made if he had observed that his right hon. Friend (Mr. Gladstone) was not in his place, and which he would probably regret, he was sure the Committee must have heard with sincere satisfaction the speech which had just been delivered. The right hon. Gentleman the Chancellor of the Exchequer told the House that Her Majesty's Government had had it in contemplation to do what his hon. Friend now proposed, but that they had been deterred from that course by the difficulties they apprehended. He could not help drawing the conclusion that Her Majesty's Government entirely approved the proposal of his hon. Friend. Yet in neither of the Reform Bills they had brought forward during the present Session had that principle been embodied. This, then, was the third change of policy on the part of Her Majesty's Government in reference to the Reform question, though it was one with which he would not quarrel. ["No, no!"] He should be sorry to exaggerate. But he wished that there should be no mistake on this point—that the principle laid down in the Amendment of his hon. Friend was one which from the first Her Majesty's Government approved, which they had not introduced themselves because of the opposition

[*Committee—Clause 3.*]

which they believed it would have to encounter, but which they were now prepared to make a part of their legislation on the subject of Reform. Speaking for himself only, he would suggest to the Chancellor of the Exchequer that it would be useless to go on with the clauses relating to the compound-householders if the right hon. Gentleman intended to introduce this Session a Bill which, by doing away with compound-householders altogether, would render those clauses unnecessary. If, then, the clauses relating to compounders were postponed, the Committee might proceed with the other parts of the Bill. The right hon. Gentleman appeared to be in doubt whether his present object would be best carried out by a Bill or by new clauses. If by the former, it might be well for the right hon. Gentleman to consider whether the two Bills ought not to go on *pari passu*; but he was inclined to think that it might be a more convenient method—though on this point he did not pledge himself to any opinion—to incorporate with the Reform Bill provisions to carry out the objects of the legislation suggested by the right hon. Gentleman. He would not now allude to his own proposed clauses, but he trusted the House would cordially approve the course which the Government were now about to take. Speaking for himself, in that course they should have his best support.

MR. AYRTON said, it would be impossible for the House to pass such a Bill as that suggested by the Chancellor of the Exchequer until it had been referred to a Select Committee and carefully examined. A great number of towns and parishes were interested in the matter, and they should have an opportunity of being heard. It was hardly necessary for him to say that it was not consistent with the practice of the House of Commons to deal with a number of local Acts of Parliament without those likely to be affected by the proposed alteration being heard by counsel, and permitted to adduce evidence if they should think fit. If the House were to adopt such a course in the present instance it was clear that the question of Reform would not be settled in this nor in the ensuing Session. Any person who had examined into this subject knew well that there were the greatest possible difficulties of detail to be overcome. They would have to deal not only with the compounding-householder and his landlord, but also with the other ratepayers of the boroughs, and

Mr. Childers

a complication would arise such as those who were not familiar with the operation of these local Acts had no conception of. It would require some examination of the subject before hon. Members who represented small and comparatively insignificant boroughs would be in a position to appreciate fully the consequence of sweeping away all the legislation upon this subject for the last fifty years. The representatives of small boroughs would find that they had very limited views on this question, and that those views must be expanded if the House was to legislate upon it. If the further consideration of the Reform Bill was to be postponed until after the passing of an Act which should repeal all the former local and general Acts and deal with the question of rating, the Bill had better be shelved altogether. The hon. Member (Mr. Childers) might as well have concluded his speech by moving that the Chairman do leave the Chair as have made such a proposal.

MR. CHILDERS said, he had no desire that the Reform Bill should not be proceeded with. He had merely suggested that the two compound-householders clauses should be postponed until after a Bill dealing with the question had been brought in.

MR. AYRTON said, he still thought it would have been more sincere on the part of the hon. Member if he had moved that the Chairman do leave the Chair, since his proposal, if adopted, would certainly have the effect of practically putting an end to the Reform Bill. He thought, after the views which had been expressed by the Chancellor of the Exchequer and the right hon. Gentleman (Mr. Gladstone), it was unnecessary for the extreme course proposed by the hon. Member to be adopted. For his (Mr. Ayrton's) part he was very desirous that they should proceed with the Reform Bill this Session. He had put on the Paper an Amendment which would recognise to some extent the views of the Government. He would venture to suggest to the Chancellor of the Exchequer that it would be possible to take some intermediate course, such as to introduce a clause directing that every occupier should not merely be put upon the rate book, but should be rated, and that this should be done without prejudice to the present state of the law and to existing contracts, under which the landlord undertook to pay the composition rate. The consequence of inserting such a clause in the Bill would be that existing contracts on the part of the

landlord to pay rates would not be disturbed, while the principle of the Government would be sufficiently asserted, leaving to a future and more opportune occasion the question of the alteration to be made in the local rating Acts with reference to composition rates. Some hon. Members thought it would be impossible to carry out a system of double rating, but such a system now existed under the old Reform Act in certain cases where the owner and the occupier were both rated, the latter having to pay the rate where the former failed to fulfil his contract to do so. There were many questions of considerable importance which would have to be fully and carefully considered before the House proceeded to legislate upon the subject. The House would have to deal with the question of composition by arrangements. In every borough in this country the system of composition by agreement prevailed to a greater or less extent. Then came the question of remission of rates. An abolition of the system of composition would to a large extent revive that system of remitting rates which existed before composition began. Formerly rates were not levied on houses under £6 value. All these were matters that should not be left to the discretion of magistrates and overseers—as they would be if the Amendment were agreed to—who might choose to have a different system of rating in every parish in the kingdom. If the clause he suggested were inserted in the Bill, these questions might be carefully sifted on some future occasion when they could not be made use of for party purposes, or as a means of obtaining a political triumph.

THE CHANCELLOR OF THE EXCHEQUER: I am afraid, from the observations that have fallen from the hon. Member (Mr. Childers), that I did not express my meaning with sufficient accuracy. On the part of the Government, I most distinctly wish it to be understood that we do not desire to mix up the Reform Bill with any other Bill which may be introduced for the purpose of dealing with the existing Acts relating to compound-householders. Neither can we listen to any proposal for dealing with the two Bills *pari passu*. We will undertake to deal with the question of the compound rating Acts, but we cannot consent to mix up the two questions together. We shall proceed with the Reform Bill just as if we had given no pledge to deal with those Acts.

I may have misunderstood the meaning of the hon. Member (Mr. Ayrton); but it appeared to me that his suggestion was merely a repetition of the proposal with reference to the payment of the rates of compound-householders which was made before, and which was quite inconsistent with the general scheme of the measure. To that we must entirely adhere, without any reference to subsequent dealings with the question of compound-householders, because, after all, it is a large question. We cannot pretend to say what determination the House may come to with reference to the Local Rating Acts. Therefore it is impossible for us to mix up that question with the Bill now under consideration. We shall proceed with the Reform Bill as though we were entirely unfettered by any promise to deal with those Acts. Only we give an undertaking that we will take such steps as the House may approve as being the most efficient we can adopt, in order to deal with what is a very large question. In order that there may be no misunderstanding upon the point I must repeat that we cannot consent to mix up the two questions of Reform and the repeal of the Local Rating Acts, and that we shall proceed with the Reform Bill exactly as we should had this conversation of to-night never taken place.

MR. POWELL said, that those who had been present in the House at an early hour that morning must admit there had been a harmony in their proceedings then and now, that the dramatic unities had been complied with, and that the scene was now complete. The Chancellor of the Exchequer told them then they had been dreaming, and the dreams had now been realized. The existence of the compound-householder was viewed by some as a great barrier to household suffrage. That was a dream of fear. The delusive obstacle—the compound-householder, whether there had been treachery or not—had disappeared. The Government had obeyed the logical necessities of their position. From the moment Her Majesty's Government admitted that personal payment of rates was to be a condition of the suffrage it was clear to him that the compound-householder must be, if not exactly a creature of the past, at all events a being who must soon disappear from the stage of practical politics. The question was one which must be dealt with not in one or two clauses of this Bill, but in an Act of Parliament

well studied and carefully drawn up. Local Acts of Parliament had had much to do with the compound-householder, and the time had now arrived when the whole of our system of local legislation ought to be well sifted and taken into careful consideration. Many local Acts were passed previous to the Public Health Act and other important public statutes, under which communities were enabled to obtain powers most convenient for the management of their affairs. Some local Acts contained provisions which were productive of great inconvenience. Therefore, there ought to be some general Act enabling communities, by a simple process, to abolish entirely their local Acts, and bring themselves within the operation of public Acts more carefully drawn and more maturely considered than any private statute. His opinion on this point was confirmed by the Amendment of which his hon. Friend (Mr. Childers) had given notice, which seemed intended to maintain every inequality in the existing law, for the effect of it was that the compounding or non-compounding was to be in conformity with the Act in force in the parish for the time being. The hon. Gentleman also proposed to maintain, and even to exaggerate, the existing inconvenience, for the arrangement which he desired to make was only to be in force for one year, and at the expiration of that period could only be perpetuated by fresh notices and fresh agreements. It must be obvious to every one that this was a most complicated and difficult process. Indeed, the hon. Gentleman's proposal tended to prove that the whole question was one which ought to be dealt with in a separate Act of Parliament. It had been suggested that the new Bill should proceed *pari passu* with the Reform Bill. But every hon. Member must be aware that nothing was more difficult than to pass two measures by equal steps through the Houses of Parliament. It was almost as impossible as that two generations should pass through the world *pari passu*. All that Parliament could say was that the whole subject should be dealt with promptly and with a desire for a complete solution of the question. But as for passing two measures *pari passu*, that was entirely beyond the power of any Minister, however strong and able he might be. Allusion had been made to the composition of 50 per cent, or for a larger sum. That was one of the details which ought to be considered with great care when the

Mr. Powell

subject is fairly grappled with. He would not enter at the present time into the details, which were somewhat dry and wearisome, but it would suffice for him to say that great difficulties were created by compounding for 50 per cent, or any higher rate. Hon. Gentlemen ought by every means in their power to facilitate the progress of this measure of Reform. When it was found possible to arrange any of the details by means of a separate measure, recourse should be had to that mode of settling difficulties, instead of introducing into the present Bill complex clauses which tended to embarrass, if not to render impossible, the passing of a measure which he believed every Member of that House desired soon to see recorded on the statute book.

MR. WHITE said, the Chancellor of the Exchequer having already acquiesced in and promised to embody the principle of the Amendment of the hon. Member for Newark (Mr. Hodgkinson) in the Government Reform Bill, it would be unnecessary for him to make more than a very few remarks. He felt it incumbent upon him to say something on this question, because it was one in the satisfactory solution of which the borough he had the honour to represent was largely and deeply interested. This would be acknowledged when he informed the Committee that, as he was advised, quite one-tenth of the total number of compounding-householders now enfranchised in England and Wales were on the register of electors for the borough of Brighton. Whilst he would not disguise his deep regret at the decision recently come to by the Committee, condemnatory of the intended Amendment of his hon. Friend the Member for Oldham (Mr. Hibbert), yet, despairing of its reversal, many of his (Mr. White's) constituents had urged him to support the Amendment of his hon. Friend the Member for Newark, which proposed to abolish all ratepaying distinctions between borough voters. He (Mr. White) held in his hand a letter from the Overseer of Brighton, and several other communications from influential and authoritative residents there, all recognising the impossibility of revoking the late decision of the Committee in favour of personal payment of full rates as an indispensable condition of the borough suffrage. Hence, as a logical sequence, they called on him to urge upon Her Majesty's Government the desirability of taking the earliest and best means of abolishing the

present system of compounding for local rates. As the Chancellor of the Exchequer had announced his intention to give full effect to the Amendment, it only remained for him (Mr. White) to express his approval of the policy recommended by his hon. Friend the Member for Newark, and which he was glad had been acquiesced in by the Government; it being, as he believed, the best, under existing circumstances, which could now be adopted.

MR. HODGKINSON said, he understood that during his temporary absence from the House, the Chancellor of the Exchequer had assented to the principles of the Amendment he had proposed. If the right hon. Gentleman, considering that it could not be properly introduced into this Bill, were willing to introduce immediately another Bill to carry out in their integrity the principles embodied in the Amendment, and to read that Bill a second time before the House parted with its control over the Reform Bill, he should offer no objection to the adoption of such a course. At the same time, he wished to suggest that the right hon. Gentleman might advantageously alter the arrangement he had originally proposed respecting the discussion of the subsequent clauses of the Bill.

THE CHANCELLOR OF THE EXCHEQUER: I wish to inform the hon. Gentleman that I did not undertake, and cannot undertake, to bring in a Bill immediately upon one of the most difficult questions possible, and that I cannot alter the course which I communicated to the House. When we pass the 3rd clause I shall move that we proceed to the consideration of the 34th clause. It is due to the compound-householder that we go on, otherwise we shall be passing a Reform Bill in which no right is reserved to him. With regard to the other important question, we shall deal with it speedily and effectively, but it will be impossible to introduce immediately a Bill upon the subject.

MR. W. E. FORSTER said, he trusted the right hon. Gentleman would re-consider the remarks he had just made. In common with the hon. Member (Mr. Powell) he was pleased at the turn which that evening's discussion had taken, and he now entertained a hope that the borough franchise might be settled in a way that would be acceptable to the Government, to the House, and to the country. He ventured to appeal to the right hon. Gentleman to adhere to his original plan with regard

to the Bill. The very reasons which induced the right hon. Gentleman, in deference to the wish of the House, to change his original course seemed to be conclusive against reverting to it. A proposal had been submitted which might make it easy to settle this most difficult question. The Government had accepted the principle of that proposal. The right hon. Gentleman (Mr. Gladstone) had also accepted it. The Committee must see that they would be almost stultifying themselves, if, immediately after discussing the 3rd clause, they proceeded to the 34th, with the view of settling it on the basis of yesterday's plan without reference to the understanding of to-day. Let them proceed with the Bill as was originally intended, taking the county and other franchises after the borough franchise. In the interval that must elapse before they arrived at the 34th clause, let the Government introduce the promised Bill. Then the Committee would be able to judge whether it could be proceeded with and passed contemporaneously with the Reform Bill. If the undertaking were found to be too difficult, the Government might then say it would be impossible this Session to pass a separate Bill, and might ask the House to proceed with the Reform Bill. The hon. Member (Mr. Ayrton) seemed to think that the object of the hon. Member (Mr. Childers) was to stop the Bill. [Mr. AYRTON: No, no!] For himself, he could say that he never felt more absolutely free than he was at present from any party motive. If the right hon. Gentleman offered by a separate Bill, or by clauses in the present Bill, to do what he had stated he would do, he should feel anxious, so far as the borough franchise was concerned, to pass rather than to stop the Bill. The proposal made this evening would meet the only real difficulty, and would put all boroughs in the same position. After the turn the discussion had taken, he should be sorry to make any irritating allusion; but there was no denying the fact that there was throughout the country a very strong feeling against the Bill as it stood, especially in the 171 boroughs treated differently from the remaining twenty-nine. That feeling, however, might be removed if the course now proposed were assented to. Therefore, it was not an unreasonable request that they should proceed to discuss the county franchise and the other clauses of the Bill, in the hope that when they had done that work

[Committee—Clause 3.

they might settle the compounding difficulty. Six or seven months ago such a proposal as that of the hon. Member (Mr. Hodgkinson) would have been received with disfavour in many boroughs which would now be willing to submit to an economical inconvenience as a political duty. Would it not be foolish to run the risk of unpleasant discussion by insisting on one settlement of a difficulty when the Government had avowed their willingness to propose that it should be settled in another way?

THE ATTORNEY GENERAL said, he agreed in the spirit of much that had been said by the hon. Gentleman, but any attempt to tie the Reform Bill to any Bill for settling questions of rating and compounding—to make the one in any degree dependent upon the other—would be fatal to the Bill now before the Committee. The real question, therefore, was whether the Reform Bill was to pass this Session or not. The hon. Member (Mr. W. E. Forster) did not appreciate the difficulties that lay in the way of passing such a Bill as had been suggested, though they had been ably shadowed forth by the hon. Member (Mr. Ayrton). It was not only Sturges Bourne's Act and the Small Tenements Act, but there was a number of local Acts relating to boroughs scattered over the whole country which such a Bill would have to deal with. They would have to look at the bearing of all these Acts, to consider their provisions as they affected different parts of the country, to see what new provisions were required, and how the rating of the different parishes was in future to be regulated. It was not as if they had to deal with a *tabula rasa*. They would have to remove much that had already existed, and to provide for the case of parishes in every variety of circumstances scattered all over the kingdom. All that the right hon. Gentleman the Chancellor of the Exchequer had stated was that he was favourably disposed towards a measure of the kind, and that he was willing to do whatever could be done to remove existing difficulties. Any hon. Member who ventured to go beyond that and to pledge himself that in a given time he would remove the difficulty, must have great confidence in his own powers. All a prudent man could say was that he should like to remove the difficulty, and would do so at the earliest possible moment. It must be remembered that they had the interests not

only of the ratepayers but of the owners to consult. He repeated that to attempt to tie such a Bill to the clauses now before the House would be sure to defeat this Bill. Hon. and learned Gentlemen opposite, who were perhaps more facile in drawing Bills than he could pretend to be, might present such a Bill in the course of the present Session; but to him it appeared that it could not be satisfactorily done. Even if it were brought before the House, it would probably require to go before a Select Committee. The 34th clause related exclusively to the borough franchise, and every intervening clause after the 3rd to something distinct and independent. As they had been discussing the 3rd clause some weeks, it was natural that they should dispose of the question of the borough franchise, and not allow the mere order of clauses in the framing of the Bill to interrupt the continuity of their deliberations.

SIR ROBERT COLLIER said, that so far from there being any inconvenience in the proposal of the Government being tied up with the Amendment of the hon. Member (Mr. Hodgkinson), he thought they were inseparably connected and could not be divided. In what position would they be placed. They were about to make a new code affecting all the relations of the compound-householder to his landlord and his parish. They were to go into a series of provisions by which the compound-householder was to be discompounded. The compound-householder was to go through a certain process, to give certain notices, and thereupon to cease to be a compound-householder, to pay the rates, and to deduct them from his landlord. They were to go through all the trouble and difficulty of this complicated process. Then they were told that the Government would next Session introduce a measure which would place the whole question upon a different footing. That would be worse than the ten minutes Bill. What was proposed by the Government in this clause was that every compound-householder might cease to be one if he pleased. But his hon. Friend by his Amendment proposed that the compound-householder should cease *ipso facto*. As to the difficulties in the way, he believed that the able Law Officers of the Crown would not find much difficulty in doing all that was necessary by inserting two or three clauses in the present Bill. As far as he understood the Chancellor of the Exchequer, that right hon. Gentleman said that he

Mr. W. E. Forster

was favourable to the principle of the Amendment, and that if the House thought the principle could be better carried out by a separate Bill, he would defer to the opinion of the House. He would remind the hon. Member that many Members of the House—among others the right hon. Gentleman (Mr. Gladstone)—who supported his Amendment as the less of two evils, did so on the understanding that it would be carried out this Session. If it were to go over to another Session, it would be competent for them to adopt some other course that would be better adapted to carry out their views. He hoped, therefore, the hon. Member, unless he received some more distinct assurance from the Government than he had yet done, would press his Amendment to a division.

MR. J. B. SMITH said, he wished to ask, whether it was the intention of the Government to abolish compound-householders in all the parishes in the kingdom, or whether they would confine their measure to boroughs? There was a great difference between abolishing the Act in 5,000 parishes, and abolishing it only in 170 boroughs. The one might be accomplished this Session but not the other.

MR. BRETT said, if every concession or conciliatory statement on the part of the Government was to be carried by political tactics or by misrepresentation, beyond its real meaning, they would never make satisfactory progress. ["Oh, oh!"] If it were considered offensive, he did not wish to impute political tactics to hon. Gentlemen opposite; but he could not help thinking that the Chancellor of the Exchequer had been misapprehended on the other side. He would endeavour to show that, by calling attention to the effect of the present Bill, and of the Amendment. If the Bill were passed in its proposed form, none of the Acts authorizing compound-householding would be infringed upon. They would remain in full power. Any individual tenant might withdraw himself from the operation of those Acts to qualify himself as a voter. If great numbers should so withdraw themselves, the parishes might take advantage of the powers reserved to them, and get rid of the Acts as applied to themselves. In that sense, and so far, it was obvious that the Amendment of the hon. Member was not inconsistent with the principle of the Bill, because what the parishes might do without further legislation, the Amendment did at

once absolutely. But the Amendment of the hon. Member had a greater effect than this; for it would entirely and at once abrogate not only Sturges Bourne's Act and the Small Tenements Act, but all the numerous local Acts that were now in existence. Therefore though the principle was correct, the mode of carrying it out would occasion great difficulties. To carry it out without any reference to the parishes, to their convenience, or their rights, was a mode of dealing with a question which had never hitherto been sanctioned by Parliament. If a Bill were brought in to effect such a sudden and absolute change, the House must be prepared to listen to objections from the different parishes, and that could only be done by sending the Bill to a Select Committee. It was impossible that such a Bill could be passed *pari passu* with the Reform Bill. By such a Bill they must abrogate many local Acts, and also the Small Tenements Act. But, on the other hand, in many great towns, it might be thought wise not to repeal those Acts. They would not have only to do justice to the compound-householder, but to consider what was due to the ratepayers generally. Under these circumstances, he recommended the House to accept the proposal of the Government, which was that they would consider the whole question and submit a measure upon it.

MR. J. STUART MILL: It appears to me that the Chancellor of the Exchequer has held out to us a great and splendid concession, which it has been the whole occupation of those of his supporters, who have since spoken, to explain away. In the opinion of some of them, we cannot have the complete embodiment of the principle of the hon. Member (Mr. Hodgkinson); and it appears to be the opinion of the Attorney General that we cannot have that embodiment this year at all. That is to say, we are called upon to pass a Reform Bill this year, and to wait until next year for the measure that is necessary to render that Bill tolerable. In what position will the House be placed if they give way to that? A General Election may occur in the meantime, with all the evils which have induced us to oppose that part of the Bill which relates to the compound-householders. We ought to have some security against that. We could have some security, but it must consist in something more than mere general words, which, however sincere they may be, are

not to be acted upon until after an indefinite time, and in an indefinite way. No one can be more eager or anxious than I am that the arrangement which the Chancellor of the Exchequer has offered to us should be fairly and honourably carried into effect. I am sure we are all most sincere in that. At the same time, it is absolutely necessary that we should not proceed with the clauses relating to compound-householders as preparatory to doing away with compound-householders altogether. The country feel a great deal more doubt about the sincerity of the House than the Chancellor of the Exchequer seems to think, and I do not think the country will believe that we intend to do away with the compound-householders if we pass the Bill this year, and postpone till next the measure for the abolition of compound-householders. As to the difficulties anticipated by the hon. and learned Member (Mr. Ayrton), and by the last speaker, I will not undertake to say what reality there may be in them; but the greater the practical difficulties in the way of carrying out the principle of my hon. Friend the Member for Newark, the more important and absolutely essential it is that the House should see the Bill by which these things are to be done before they commit themselves to the Bill of the Chancellor of the Exchequer. There is no need to lose time, because there is a great portion of the Bill which does not relate to the borough franchise, and with that we can go on. If we are only assured by the Chancellor of the Exchequer that he will bring in a Bill to give effect to his undertaking, and that we shall see that Bill before we part company with the present one, it would, in my opinion, be the best course to suspend further action upon the borough franchise clauses, and proceed with the other clauses, and only resume the borough franchise clauses when we have seen the promised Bill. At all events, I think we ought not to read the present Bill a third time until we have read the promised Bill a second time.

MR. SANDFORD said, he understood that the Chancellor of the Exchequer proposed to repeal the Small Tenements Act and the local Acts of a similar nature. If that was the case, and the Chancellor of the Exchequer had expressed the views of the Government, they had arrived at household suffrage pure and simple. If the Small Tenements Act was repealed, if every other borough was placed on the

same footing as the twenty-nine boroughs where the Small Tenements Act did not prevail, the consequence would be that every householder would be personally liable to the payment of rates. Therefore the Chancellor of the Exchequer had that night virtually done away with the principle upon which he stated that his Bill was founded. Upon the Amendment which the right hon. Gentleman (Mr. Gladstone) proposed a few weeks ago the Chancellor of the Exchequer stated that there were two distinct policies before the House—the one his own, in which there was an elastic line through which any householder could, if he liked, become a voter; the other, the hard and fast line of the right hon. Gentleman (Mr. Gladstone). But where was the elastic line through which the voter must pass if the Small Tenements Act was done away with?—[“Payment of rates.”] Exactly. But if the Small Tenements Act was done away with every householder would be liable. He did not express an opinion upon household suffrage pure and simple, but perhaps he was not so unfavourable to it as many might suppose. Whatever his views upon that subject might be, he did not think the Government had dealt very frankly or very sincerely with the question, because they certainly led their supporters to suppose that the Small Tenements Act was to be maintained. He wished to ask whether the announcement the Chancellor of the Exchequer had made was an expression of the opinion of the Cabinet, and whether the Government intended to bring in a Bill to repeal the Small Tenements Act, and by this Bill to enact household suffrage pure and simple? The House, and above all the supporters of the Government, had a right to know this. He suspected it had not been submitted to the Cabinet, and if the right hon. Gentleman (Mr. Gathorne Hardy) were in his place, he should like to put the same question to him. There seemed to be doubts in the minds of many hon. Gentlemen as to the views of the Government on the question.

MR. DENMAN said, that he wished to recall the attention of the Committee to the matter before it, which was, whether the Amendment of the hon. Member (Mr. Hodgkinson) should be added to the clause or not. Much had been said about difficulties, but he believed those difficulties would be found to be mere chimeras. If the proposed Amendment were added to-night, he believed that the entire effect which the Government intended to produce

Mr. J. Stuart Mill

by circuitous methods would be at once brought about. The difficulties in the way had been spoken of. The very statement of the law as it stood at present would show how groundless apprehensions on that score were.

An hon. MEMBER: Do not let us have any more law.

MR. DENMAN said, he was surprised to hear such an exclamation from his hon. and learned Friend.

MR. AYRTON said, that he had made no exclamation whatever.

MR. DENMAN apologized to his hon. and learned Friend, and said that a statement of the law would show that there was no difficulty in adopting the Amendment as it stood. By the course proposed the particular circumstances relating to many boroughs would have to be gone into before the Select Committee, and there would be great delay; but by the law as it now stood any vestry meeting together and agreeing by a majority of two-thirds could, on forty days' notice, repeal the Small Tenements Act, so far as their parish was concerned. This being so, what difficulty could there be in adopting the words proposed by the hon. Member, and thus doing, by an act of the Legislature, what every vestry might do in forty days? This power was conferred upon the vestry at a time when it had no effect upon political rights; and it was contrary to principle that such rights should depend upon the accident of whether a majority consisting of two-thirds of the vestry should be pleased to concede them or not. If his hon. Friend went to a division he would vote with him.

MR. HENLEY: Those who were in the House last night heard something about dreams. I think I have heard to-night as much misrepresentation as ever fell to my luck to hear. The hon. Member (Mr. Sandford) made a speech as if the Government had changed their principles, and as if the House had something which it had not before. He talked a great deal about "household suffrage pure and simple." What a word it is! What a mouthful the hon. Gentleman has made of it! What has been the principle of the Government measure? That people who had a dwelling-house and paid rates should have a vote. What did the Government profess? That they would do everything in the way of making clauses—if one was not good enough they would make another—to give every facility to every man who had a

dwelling-house, where those various compounding Acts were in force, to get upon the register. The Government have avowed throughout that they wanted to bring in everybody who chose to take the least trouble in the world in order to get upon the register. What new principle is there then? The hon. Member (Mr. Hodgkinson) says that the simplest way would be to do away with these compounding Acts altogether. I was glad to hear him say so. The Chancellor of the Exchequer also thinks it would be the simplest way. But in what respect does that change the principle of the Bill? That principle was that every man should have the franchise who occupied a dwelling-house, was rated, and paid his rates in full. The Government have promised all along to adopt any course which should make those conditions just and equal to all. There may be a little more difficulty in some places and a little less in others in getting upon the register. But that does not justify the agitation that has been excited throughout the country, and the misrepresentations which have been made with a view to make people believe that nobody could get upon it. It does not justify the representations that have been made that the Government was holding out with the one hand and taking away with the other. Can any one deny that the language of the Government throughout has been this—that if their clauses did not give ample facilities they would consent to anything that would do so? With regard to the hon. Member's proposal, I am inclined to think that the wiser course would be to accept it. It may be crude and calculated to cause some inconvenience, but remember this—the spirit of Mammon is pretty strong outside the House, and it will not lack representatives here to impede the Government in carrying a Bill such as has been suggested, whereas by a Resolution like this the thing could be done much more easily. The hon. Member (Mr. Sandford) seems to think more persons would come on the register if compounding were abolished. But there are a number of persons in poverty and in humble circumstances who cannot afford to pay rates, and who will not claim to be put on the register. Does he imagine that if the compounding Acts are repealed there will be no poor? There will still be plenty of people who will apply on account of poverty to be struck off the rates, so that there will be no difference in the numbers. It seems to me therefore an extraordinary charge for

the hon. Gentleman to make against the Government when he said they had altered the principle of their Bill, and that he wanted to know whether the opinion of the Cabinet had been taken upon the question. Why I recommend the adoption of this proposal is, that, should a Bill be afterwards brought in, there could not be much opposition to it, because the thing would virtually have been decided. It would be fair sailing; it would be like picking the plums out of the pudding. Those people who have been robbing the poor and making them pay rates through their landlords will not give up the screw which they now exercise very willingly. But if this Resolution is passed they will be obliged to give it up, and everything can afterwards be made smooth with half the trouble.

MR. CLAY said, that the draughting of a Bill such as had been referred to would involve some trouble, but there would be little difficulty in passing it, seeing that both sides of the House would be interested in its success. The discussion to-night he regarded as the turning point of this measure, for if an agreement were come to on this matter, the Bill, as far as the borough franchise was concerned, would encounter no further difficulty. The right hon. Gentleman (Mr. Gladstone), who still spoke with more authority on that side of the House than he was willing himself to claim, had given almost a pledge that if this point were arranged all serious attacks upon the Bill would be at an end. He hoped the Government would give some further assurance, either by accepting the proviso, or by promising forthwith to bring in a Bill, that they accepted this solution. What seemed settled two hours ago had been like a dissolving view gradually disappearing.

MR. THOMAS CHAMBERS said, he regarded the proposal of the hon. Member (Mr. Childers) as one which would be fatal to the passing of the Bill. ["Question!"] He understood the question to be whether the compounding Acts were to be dealt with by the Bill, and the suggestion was made by the hon. Gentleman with the concurrence, as he stated, of the right hon. Gentleman (Mr. Gladstone).

MR. CHILDERS said, he had made no suggestion, but had merely commented on the views of the right hon. Gentleman the Chancellor of the Exchequer. He expressly stated that it was not the time for discussing his own Amendment.

MR. THOMAS CHAMBERS said, he

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was sorry if he had misunderstood the hon. Gentleman. If this proposal came before them in the form of a Resolution, he should agree with the two speakers. But it did not. It was moved as a proviso in the Reform Bill. But could any one suppose that this proviso would put an end to all the general and local Acts on compounding? All that was wanted for the purposes of the Reform Bill was to assist the compound-householders in parishes in Parliamentary boroughs, which constituted a large proportion of the parishes of the country. But could it be wise to upset the compounding system in boroughs and leave the other parishes untouched? Desirable as it was to give the compound-householder every facility in getting on the register, it was much more important that the Franchise Bill proposed by the Government should pass. It was the first proposal they had had in the matter of Reform which suggested any plan which even approached a moral test of fitness for the franchise. All previous proposals, depending, as they did, on the amount of rent or rate, could not pretend to be moral criteria. But if a man was willing to take some trouble and exercise some providence—if, instead of paying rates in his weekly rent, he saved the necessary pence for thirteen weeks and then took the money to the overseer, he showed thereby both his desire and his fitness for the franchise. The hon. Member (Mr. Fawcett) had said that, out of three men occupying adjoining houses, one only would take an interest in politics, and would get upon the register, whilst the others being indifferent about it would remain off it. That was an argument in favour of the Bill and not against it, for it was just such a man whom they desired to enfranchise. He should not be sorry that for a time Parliament would see how this Bill was to work by gradually selecting from 749,000 persons those who were willing to show their desire for enfranchisement by doing the very little that was demanded of them. He did not think the Bill would pass this Session if this general question of rating were first undertaken. He believed that, notwithstanding industrious misrepresentations, the more this Bill was considered by the country the more it was judged to be incomparably the most liberal proposal of Reform which had ever been submitted to the House. The country was arriving at that conclusion, and many of those who

originally opposed the Bill were now favourable to it. He believed that in the result the House would find itself almost unanimous in accepting this as a satisfactory measure. The Government were introducing a large number of persons to the franchise "on the principle of selection, through a self-acting machinery. The men who were prepared to do something and to forbear something in order to get a vote, were the very men the House wanted to secure, and by obtaining them the Bill would enfranchise large numbers of the honest and industrious classes of this country. He spoke in the name and as the representative of a large body of working men, and that, he believed, was their impression. The question had been grossly misunderstood, but the eyes of the people were opening. He thanked Her Majesty's Government for the courage and persistence with which they maintained their position, and he would support them in every division necessary to keep the Bill alive. He believed that in so doing he was consulting not only the interests of the country, but also the interests of the Liberal party; for who is more interested in the settlement of this great question as the Liberal party? Who was responsible for the fifteen years' agitation of this question? It was they who started it and kept it alive, and whose leaders were keeping it alive still by a factitious agitation out of doors. Under what conditions were they discussing this question? Were they discussing it as a free Parliament, or under the terror of out-of-doors agitation? Observations had been made by leading Members of the House (Mr. Gladstone and Mr. Childers) which rather implied that what hon. Members were doing they were to do under the influence of an agitation out of doors. As Members of the Liberal party they were specially bound to maintain the integrity of representative institutions, and to be especially jealous of interference by an unconstitutional outdoor agitation. What said one of the most illustrious Reformers—moral, social, legal, and political—that this country ever produced? Lord Brougham, in his *Political Philosophy*, laid down the following canons of representative Government. He said—

"1. The deputy chosen represents the people of the whole community, exercises his own judgment upon all measures, receives freely the communications of his constituents, is not bound by their instructions, though liable to be dismissed

by not being re-elected, in case the difference of opinion is irreconcilable and important. 2. The people's power being transferred to the representative body for a limited time, the people are bound not to exercise their influence so as to control the conduct of their representatives as a body, on the several measures that come before them. 3. Any proceedings on the part of the people tending to overawe or unduly to influence their representatives upon any given question, though no outrage should be committed and only an exhibition of numerical force be displayed for these purposes, are contrary to the whole nature of representative Government, and in themselves revolutionary, being criminal in the people, and doubly criminal in any of their representatives, who thereby commit a flagrant breach of duty."

He thought that Lord Brougham was an unexceptionable authority on such a question. He was not, nor should Parliament be, influenced by outdoor agitation, and he did think it incumbent upon hon. Members, especially upon the foremost men among us, to maintain the honour and independence of the House and not be influenced by what might occur out of doors.

MR. OSBORNE: It appears to me that the dramatic reading of the *Political Philosophy* of Lord Brougham we have heard is as applicable if not more so to the late meeting in Hyde Park as to the question before the House. What my hon. and learned Friend the Common Serjeant meant by making this speech, in defence of what seemed to be a vote he had given on some previous occasion, I cannot understand. He pledged himself to vote with the Government whatever they might bring in and whatever they do. He is a confiding man.

MR. THOMAS CHAMBERS: I did not say that I would vote for anything the Government might propose. I did say that I would vote in every division with the Government for the purpose of keeping this Bill alive.

MR. OSBORNE: And for the purpose of keeping the Bill alive my hon. and learned Friend has made a speech which, if anything could, would crush it, because it has nothing to do with the proposal before the House. I have to apologize to my hon. and learned Friend (Mr. Deuman.) I was the culprit who said, "Let us have no law," and I said so for this reason. When the Chancellor of the Exchequer got up and in the most generous spirit, and in the absence of all his supporters—and I do not think they are yet aware of what has happened—said that he accepted this proposal, and it was always his idea that the proposal should be brought forward; what could we

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do on this side of the House but accept it in the same generous way? But the generous enthusiasm and sincere reforming notions of the Chancellor of the Exchequer—how were they met by his own side? The two black Graces near him immediately got the question into Chancery. They sought to check the genial current of his reforming notions. First came, with all the solemnity of Chancery, the Attorney General, and what did he say? “Not so fast, my Leader! This is all very well, but you cannot bring in a Bill this Session,” and he endeavoured, with many hums and ha’s, to keep back the Chancellor of the Exchequer, and make him retract the promise he had so generously made. I hope the right hon. Gentleman will read a lecture to his Law Officer for endeavouring to make him recant what he had so gracefully said at the beginning of the evening. Then, up got another lawyer (Mr. Brett) who is also at the Chancery Bar. [“No, no!”] Oh, he is at the Common Law Bar. At any rate, he took the same view as the Attorney General. He said it was all very well, but the House had misapprehended the Chancellor of the Exchequer, and he endeavoured to prove that the right hon. Gentleman had said no such thing, or that, if he had, he had no such intention. Then got up a third lawyer (Mr. T. Chambers), who tells us that he represents the great constituency of Marylebone. When I heard his speech, I did not believe it. I thought he must have been a Member for some small borough where the Tenements Act is in force, and where he was an extensive landlord—perhaps a compounding landlord. That was the only way in which I could account for the speech of the learned Common Serjeant. Therefore I say that if we wish to make progress with this Bill let us have no law. Let us rely on the Chancellor of the Exchequer. I say this without any innuendo respecting his sincerity. I always thought that the Chancellor of the Exchequer was the greatest Radical in the House. He has achieved what no other man in the country could have done. As I have said before, he has lugged up that great omnibus full of stupid, heavy country Gentlemen. [“Oh, oh!”] I only say “stupid” in the Parliamentary sense. It is a perfectly Parliamentary word. He has converted these Conservatives into Radical Reformers. The hon. and learned Common Serjeant talks of the doctrine of selection. No doubt he has been reading about it lately. The Chancellor of the

Mr. Osborne

Exchequer has now got on the doctrine of development. How could the right hon. Gentleman have at once put this great flood of light upon their eyes? It would have blinded them. He has led them by degrees. First, there was the dual voting—that has gone. Then there was the two years’ residence—that has gone. Now a whole flash of light has been thrown upon them, and they have household suffrage, not pure and simple, but with personal payment of rates. The Chancellor of the Exchequer chooses to accept the Amendment of the hon. Member. I go with him. But I say do not let him be fettered by lawyers. Do not let the right hon. Gentleman listen to the hon. and learned Attorney General; do not let him listen to the hon. and learned Member (Mr. Brett); and last, but not least, let him beware of the advice and assistance of the hon. and learned Member the Common Serjeant. The hon. and learned Gentleman (Mr. Brett) says, “Let us consider the question.” I say it has been considered. When I hear the Chancellor of the Exchequer—who, let them say what they will, is the Ministry by himself, for it could not exist a day without him, and all the rest who sit near him are most respectable pawns on the board, their opinion not being worth a snap of the fingers—when I hear the Chancellor of the Exchequer say a thing I know it shall and will be so. If hon. Gentlemen behind him are discontented—if they are not “obsolete” Conservatives, let them come over here, and we will walk over to the other side of the House and sit behind the right hon. Gentleman. A fair exchange is no robbery. I have no doubt that those hon. Members who have come down from their dinner were rather taken by surprise. I was myself. But to me it was a joyful surprise. There is more joy over one repentant Chancellor of the Exchequer than over ninety and nine old-established Reformers. Let the right hon. Gentleman go on and prosper. He is in the right groove—in the right way for settling the Reform question—if, that is to say, he does not listen to his legal advisers. Let him be on his guard against them. I expect that he will not only settle the Reform question, but that one day we shall all be sitting behind him, and that he will settle the question of the Irish Church and all the other vexed questions.

MR. SANDFORD said, he should be sorry to misrepresent the views of the Go-

vernment, but if he had done so he had been led into it by no less a person than the Chancellor of the Exchequer himself. He distinctly recollected that when it was pointed out to the right hon. Gentleman that the Small Tenements Act had been adopted partially or entirely by a very large number of the boroughs, and that it did not exist at all in twenty-nine boroughs, so far from rising and stating that it was his wish to base his Bill on household suffrage, he defended the diversity which the measure created, and treated it as an improvement upon the dead uniformity of the £10 franchise established by the Reform Act of 1832. Moreover, two other right hon. Gentlemen on the Treasury Bench (Mr. G. Hardy and Sir Stafford Northcote), both emphatically repudiated the idea that the Bill was founded upon household suffrage. He had a right therefore to say he was taken by surprise on hearing the views put forward by the Government that evening. He wished to express no opinion unfavourable to the principle of household suffrage—quite the reverse. He thought that when we were extending the suffrage, instead of showing to those whom we were about to enfranchise a halting feeling of distrust, we should rather display to them a generous confidence.

MR. NEATE said, that at the time the Act passed which entailed a disability on the compound-householder, it was no disability because he had not the franchise. He put it to the Committee whether, supposing at that time the compound-householders had been in possession of the franchise, it would have been possible to impose this disability upon them without their consent. He maintained that it should not now be left in the power of the parochial authorities to deprive these men of the franchise against their will.

THE CHANCELLOR OF THE EXCHEQUER: Sir, it generally happens that when important business is unexpectedly transacted at an early part of the evening, the rest of the night is passed very often in an agreeable, sometimes in a diverting manner, but little further progress is made. The important business having been transacted when there were few Members present, gradually hon. Gentlemen return to the House. What has taken place is communicated to them. Some who were not here make speeches. Those speeches are necessarily founded on some degree of misapprehension. Then rejoinders are made by those who were present and who

offer us their authentic information. By the time they gain a tolerably clear perception of how matters really stand, other Gentlemen, remarkable for their entertaining abilities, come in perhaps from the enjoyment of "the feast of reason and the flow of soul." Nothing can be more agreeable than their arrival; but they do not very much advance the business which may be in hand. Very early in the evening we were making some progress in this debate. The hon. Member (Mr. Hodgkinson), who had for some time a very important Notice on the Paper, brought forward his proposal. When it became my duty to speak upon the subject—which I did not do till the question was put from the Chair, and no one else seemed disposed to favour the Committee with his views—at the last moment, in a very thin House, I expressed the views of the Government which were more matured than the hon. Gentleman (Mr. Sandford) supposes. I may here just say that for foreknowledge of the secrets of the Cabinet I would back my hon. Friend against any Member of the House. But, as I was observing, I addressed myself to the Chair at the last moment. I expressed an opinion that it would be advisable to carry the policy indicated by the hon. Member into effect, but that it was a very difficult business, and one in which it was necessary to proceed with due caution. I could not bring myself to believe that a proviso of four lines could effectually deal with this question. We might be involving the House in some difficulty, and perhaps accomplishing the exact reverse of what we all desire. On the part of the hon. Member himself and also on the part of the House, I thought there was a general assent to the prudence of that intimation. I said myself—not presuming to speak with any authority—that on the appearance of this proviso on the Paper it seemed to me of importance that there should be a saving clause of a very large character with regard to all existing contracts. That was a matter not altogether to be disregarded. Then some hon. Gentlemen suggested that the best course would be to proceed by a Bill. I said that it might be possible to do that, but that whatever method was adopted we should proceed with great caution. After some further observations, I stated generally that, so far as this subject was concerned, on the part of the Government, I would undertake to deal with the question efficiently and completely, but that it must

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be understood that it was not to interfere with the progress of the Reform Bill. I repeated that the earnest desire and determination on the part of the Government was to deal with this question; but I said more than once that the condition of our attempting to deal with it was that it should not in any way mix itself up with the progress of the Reform Bill, or occasion a delay which we are anxious to avoid. After three or four hours had passed I was obliged, from the circumstances to which I have already alluded, to reiterate the same observations. Attacks have been made on my hon. and learned Friend the Attorney General for the view he took, which appears to me to have been a very prudent and sensible view. But it does not at all affect the statement I made to the House, nor does it at all change the spirit in which that statement was made. The Committee will clearly understand that on a question of this importance, involving a point of law of a very difficult kind, it would be presumptuous on my part to give any opinion, to say whether it is possible even in the present Bill to settle the question raised by the hon. Member (Mr. Hodgkinson), or whether it may be better to proceed at the right time by separate legislation. All I can repeat is that we will give our mind to the efficient and complete settlement of the question. I hope, therefore, that the hon. Gentleman will not press his Amendment to a division. I will merely say that I have no objection to what is expressed in his proviso, but I fear the Committee might be led, if it passed that proviso, into some difficulty. Of course, the hon. Gentleman must use his own discretion. But I think it will be more advisable that he should withdraw his proviso, and that, without entering into the consideration of the 4th clause at this late hour, we should postpone further discussion in Committee for two or three days, after which I hope we may be able to dispose of the whole question of the borough franchise. Should the hon. Member not press his proposal to-night—which I trust will be the case, for, it appears to me, that to withdraw it would be the more prudent and proper course to pursue—there are two Amendments on the Paper with which the Committee might at once proceed to deal. After that I would move that the Chairman should report Progress, and we could then consider what would, on the whole, be the best course to take on Monday. I

should wish now to make one or two observations on the remarks—criticisms I will not call them—we have heard during this discussion, with respect to what is called our inconsistency and change of opinion on this question. There has been on our part no inconsistency and no change of opinion. We have been perfectly consistent in the course we have pursued. The hon. Member (Mr. Sandford) who has lately attracted a great deal of public notice by his attacks on the Government—I always encourage those attacks myself, because I look upon invective as a great ornament of debate—has founded those which he made to-night on a false assumption. He says, I pledged myself not to introduce a measure giving household suffrage, pure and simple, to the consideration of Parliament, and that I am now doing that very thing. It appears to me, however, that the hon. Gentleman, notwithstanding his ingenious mind, and although he has devoted considerable time to the consideration of Parliamentary Reform, and especially of the borough franchise, has never realized a clear conception of what household suffrage really is. According to my interpretation of it, it means that a vote should be given to every man who lives in a house. Such, I would beg to remind the hon. Gentleman, is not the suffrage which I am proposing, either in the Bill as it stands, or when its action may be modified by the adoption of the Amendment of the hon. Member. We propose that a vote for a borough should be given not merely to a man who lives in a house, we accompany it by a provision that he should reside a certain time in that house, and that he should pay his rates. That rating and residential qualification the hon. Gentleman will, I think, admit makes our proposal a thing very different from household suffrage, pure and simple, and it is in my mind infinitely better than a small value franchise. When an election takes place at Maldon, or anywhere else where my hon. Friend may be a candidate, he will find from the state of the constituency that it will be not at all what he seems to imagine, especially in point of numbers, under the Constitutional conditions for which we are contending. The vindication of our policy on that point has, I think, been completely established by my right hon. Friend (Mr. Henley), who, as he usually does, touched with great force all the points of the case. It is the greatest mistake to suppose that if you get rid of the rating Acts you would ne-

cessarily increase the number of persons who would be qualified to vote for a Member of Parliament. The conditions of rating and residence would still continue to be exacted, which would always operate to select portions of the working classes from that "residuum" on whom even the hon. Member (Mr. Bright) does not wish to see the franchise conferred. You will find that those clauses which will disqualify individuals from being intrusted with it will be always at work, and that so long as you retain the qualifications of payment of rates and adequate residence, you will secure a constituency fairly representing the character and best feelings of the country.

MR. W. E. FORSTER said, he understood the state of the case, as it was now presented to the Committee, to be that the hon. Member (Mr. Hodgkinson) having moved an Amendment of great importance on the success of which it depended whether household suffrage should be granted or not, the right hon. Gentleman accepted the principle of that Amendment, though he contended that in doing so he did not seek to establish household suffrage. He, however, and others in the North of England who had long thought upon the question, took household suffrage to mean the reduction of the present £10 franchise to the occupation, under the same conditions, of any house. He therefore hailed with the greatest delight the concessions which the right hon. Gentleman was prepared to make, as he understood them. The borough franchise on such a basis might, he believed, be accepted by a majority of the House and prove satisfactory to the country, which was anything but satisfied with the Bill in its present shape. He should, under those circumstances, appeal to the right hon. Gentleman to revert to his original plan of proceeding with the clauses of the Bill in their regular order until he came to the 34th, before which time he might place on the table a Bill, or clauses, removing the difficulties connected with the case of the compound-householder. For his own part, he should prefer that the right hon. Gentleman should bring forward clauses.

MR. HODGKINSON said, that as he interpreted what had fallen from the Chancellor of the Exchequer he (the Chancellor of the Exchequer) assented to the principle of the Amendment; that he was not prepared to state whether he would carry that principle into effect by means of clauses to be introduced into the present Bill or by a

separate measure; that, under those circumstances, he would move that the Chairman should report Progress, and that on Monday he would be in a position to say how he proposed to deal with the whole question. That was a mode of proceeding which he looked upon as most reasonable, and to the adoption of which he should offer no objection.

MR. GLADSTONE said, he wished to say a few words on a point of great importance, with respect to which he hoped his hon. Friend who had just sat down had come to a right, and he, himself, to a wrong conclusion. His hon. Friend seemed to think that the proposal of the Chancellor of the Exchequer was that Progress should be reported forthwith, and that the Government, having taken time to consider his hon. Friend's Amendment, should announce what they meant to do with the view to carry out its principle on Monday. If that were the proposal of the right hon. Gentleman, his hon. Friend was, he thought, quite right in giving it his hearty assent. He must, however, confess that he did not understand the Chancellor of the Exchequer in that sense. If the hon. Member were wrong in the construction he put on his speech, his proposal would appear to amount simply to an invitation to the Committee to give up the Amendment under discussion, then to pass to one or two other Amendments which stood upon the Paper, then to report Progress with the view of resuming the labours of the Committee at the 34th clause, at the same time to discuss in detail the provisions—necessarily of an elaborate character—for enabling the compound-householder to obtain the franchise, that mode of proceeding to be covered by the declaration of the right hon. Gentleman that he accepted the principle of the Amendment of the hon. Member, but that he did not intend to embody it in the present Bill, or, indeed, in any Bill to be carried out simultaneously with it, and that he declined to give any pledge as to the time at which the principle in question would be embodied in any measure. What was the proposal of the Chancellor of the Exchequer? Of the householders below £10 one-fourth were ratepaying-householders and the other three-fourths were compounding-householders. The right hon. Gentleman's present proposal would practically amount to adjourning indefinitely the consideration of the position in which three-fourths of the householders below £10 should be placed for the pur-

pose of the franchise, and then proceeding, after that matter was adjourned, to pass the Reform Bill. Last year the course we took was greatly objected to, when we proposed to make a separation between the question of the franchise and the question of the distribution of seats. But he would now ask the House how was it possible to pass a measure, which, as respects three-fourths of the householders under £10, was to be purely provisional, and then to proceed definitely with the other parts of the Bill? He did not blame the right hon. Gentleman for not being prepared to announce at the present moment a definite course of procedure, and for asking time to give effect to the Amendment of the hon. Member. But it was impossible to accept an indefinite adjournment of a decision upon the principle. There was one course, in which both sides might concur without embarrassment if the Chancellor of the Exchequer was not now prepared to announce the course he would take with respect to the Amendment. Let the Chairman of the Committee report Progress, and on Monday—by which day the Government would have had full time to consider this important question—the Chancellor of the Exchequer could state the course which the Government would definitely take. The hon. Member would then have the opportunity of considering whether he would take the judgment of the House on the question, or acquiesce in any proposal the Government might make.

THE CHANCELLOR OF THE EXCHEQUER: It appears to me that the right hon. Gentleman has made a very unnecessary speech. The hon. Member clearly understands my meaning; and I am satisfied with his interpretation. What I said was this. There were yet only two other Amendments to this clause, and I thought, without much more discussion, we might pass the 3rd clause. With regard to the 34th clause—that relating to compound-householders—this being Friday night—I thought I should be able on Monday to state the course we intended to pursue. This was satisfactory to the hon. Member, and I believe it was perfectly understood by every Member of the House. I do not know what other statement I could have made to be satisfactory to the right hon. Gentleman. I shall propose on Monday that the House go again into Committee on this Bill. I shall then propose the course which the Government are prepared to take. There are two Amendments not

Mr. Gladstone

requiring a long time to consider. ["Progress!"] They would not take a long time to discuss. ["Progress!"]

VISCOUNT CRANBOURNE: I confess I cannot feel satisfied with the course which the right hon. Gentleman is prepared to take. He has announced a change of startling magnitude, a change which involves the certain admission, instead of the contingent and doubtful admission, of some 500,000 people to the franchise. Of this policy I express no opinion; but I say it is entirely an abnegation of all the principles of his party. It seems to me that it is not right that changes so enormous should be introduced in a Bill, transforming it entirely from the character which it wore when first introduced, without giving to the House and the country more than three hours at least to think over the alteration proposed. It therefore seems to me that we have no other course, after the great change which has been proposed, than to stop the progress of the Bill at the point we have now reached. I beg to move that you, Mr. Dodson, do now report Progress.

THE CHANCELLOR OF THE EXCHEQUER: It is of no use to oppose a Motion of this kind at this late hour (a quarter past eleven). I consent to the Chairman reporting Progress.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

HYPOTHEC AMENDMENT (SCOTLAND)
BILL (*Lords*)—[BILL 100.]—COMMITTEE.

Bill *considered* in Committee.

(*In the Committee*).

Clauses 1 to 3 *agreed to*.

Clause 4 (*Hypothec not to be available beyond Three Months after Rent is payable.*)

MR. CARNEGIE moved the insertion of an Amendment providing that in no case should a landlord's preferable right under this Bill exceed a sum equal to one year's rent of the farms or lands let. The object of this Amendment was to assimilate the law of Scotland in this respect as nearly as possible to the law of England. He had always been of opinion that preferential claims were bad in themselves, and ought to be abolished; but the House decided by a considerable majority against the total abolition of the law of hypothec, and he therefore moved this Amendment,

which offered to the landlords of Scotland a fair opportunity for compromise. He hoped the Government would therefore accept it, as it would have the effect of stopping an agitation which was disagreeable both to the landlord and the tenant.

Amendment proposed,

In line 35, after the word "determine," to insert the words "nor in any case shall the landlord's preferable right exceed a sum equal to one year's rent of the said farm or lands."—(*Mr. Carnegie.*)

MR. MONCREIFF said, he hoped the hon. Baronet opposite would accept the Amendment, which would go far to allay the agitation in Scotland on this subject.

SIR GRAHAM MONTGOMERY said, he was willing to accept the Amendment if a year and a half were substituted for one year. Hon. Members should consider the case of poor farmers whose crops might fail for three or four years together, and if the Amendment proposed were incorporated in the Bill, landlords would be tempted to resort to extreme measures more often than they did at present for fear their claims should lapse by time.

MR. DARBY GRIFFITH said, he hoped the Government were not going to give way. If the personal rights of the landlord were encroached upon in Scotland, the next thing would be a proposal to extend the principle to England, where the right of the landlord had always been recognised as firmly established by law.

MR. CARNEGIE said, he had gone farther on the way of compromise than he could have wished and his friends advised. He could not accept any alteration of his Amendment.

SIR JAMES FERGUSSON said, if the Amendment were adopted the landlord would not be able to allow so much credit as he now did on a succession of bad crops, and that would operate injuriously to the tenants of small holdings.

MR. CRAUFURD said, the hon. Baronet who had charge of the Bill, in proposing that the power of distraint should extend over one year and a half, made two bites at a cherry.

MR. ELLICE said, he hoped the Government would accept the Amendment, which he thought was a perfectly fair compromise. It was not worth the while of the landlords of Scotland to keep up a feeling of discontent merely for the sake of the trifling difference of opinion which now divided the two sides of the House.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 86 ; Noes 102 : Majority 16.

Clause *agreed to*.

Remaining Clauses *agreed to*.

House *resumed*.

Bill *reported* ; as amended, to be considered upon *Monday* next.

RAILWAY CONSTRUCTION FACILITIES

ACT (1864) AMENDMENT BILL.

(*Mr. Whalley, Mr. White.*)

[BILL 57.] SECOND READING.

Order for Second Reading read.

MR. WHALLEY said, he understood that the Board of Trade would consent to the second reading on the understanding that the Bill would be referred to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LEEMAN said, he objected to the principle of the Bill, and moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Leeman.*)

MR. STEPHEN CAVE said, the object of the Act which this Bill sought to amend was to relieve parties, who wished to form a railway to which there was no opposition on the part of any one who had a right to oppose, from the heavy cost of going before a Parliamentary Committee. Objections of two kinds had been taken to that Act in its progress through Parliament. One, that it did not go far enough, inasmuch as it did not embrace gas and water companies, which, it was said, were more properly objects of such an enactment, and more entitled to such facilities than railways. The other that it limited the power of landowners—that is, neighbouring landowners whose land was not taken—to oppose the construction of a railway, confining the opposition which would prevent the granting of a certificate by the Board of Trade to existing railway and canal companies. There was a good deal of force in both these objections. The Bill of the hon. Member (Mr. Whalley) aggravated one defect, but did not remove the

other. The hon. Member, who had shown great perseverance, and, in fact, moved an Amendment in the sense of the present Bill to the Act of 1864, said that no railways had been constructed under that Act, which was therefore a dead letter. This was not quite accurate, as four certificates had been granted this year. But even if it were so, it did not follow that this was the right way out of the difficulty. If he might venture to say so, he thought that the Act of 1864 and the present Bill were well meaning, but not wholly satisfactory attempts to meet an acknowledged evil. The Parliamentary Committee was allowed to be in its present form an expensive and unsatisfactory tribunal. The Board of Trade might be less expensive in the first instance, but could not be satisfactory. The Board of Trade might very well act ministerially in such matters. It might inquire into the fact of whether there was *bona fide* opposition or not. It might decide whether or not the undertaking was of public utility or contrary to public policy, as it was empowered to do by Clauses 8 and 52 of the original Act. It might, as in the case of piers and harbours, be productive of economy and prevent delay, by granting a certificate or provisional order, to which no one could demur. But, on the other hand, without going into the objections on constitutional grounds to giving such extended legislative jurisdiction to a department of the Government, how could such a department possibly exercise this jurisdiction in a manner satisfactory to the public, or to the parties appearing before it? In the case of the Beckenham and Brighton line, he believed the landowners concurred; but he was only using this case as illustrating his argument. Moreover, if objection on the ground of competition were shut out thereby, it would be worth a company's while to buy off a few remaining dissentients at any price, however exorbitant. This should not be overlooked. But he would assume that in the Beckenham and Brighton line all the landowners consented. He forgot how many years the contest went on between the Beckenham Company and the Brighton Company, how many counsel were employed, how many witnesses called, how much money spent. The hon. Member might think that this would be cured by striking out the clauses to which he objected in the original Act. But could any man suppose that the Board of Trade had the means of conducting such an in-

quiry, or that both parties would acquiesce in such a decision? What would follow? When the certificate was granted and laid on the table, as it was obliged to be for six weeks, the opponents would move Heaven and earth to get it disallowed by Parliament, and far greater pressure would be put upon Members than was now sometimes put upon them in the case of the second reading of Bills, notably in the case to which he had already referred. They would have the case argued before the whole House, a tribunal notoriously ill-calculated for the purpose, and the result would probably be in the end a resort to a Committee as the only means of arriving at a decision which would be binding upon both parties and finally settle the matter. The House would observe that there were two ways in which the Board of Trade might proceed. It might attempt to try the case. Supposing it pronounced in favour of the promoters, the certificate would be objected to by the opposing companies, and the consequences he had described would follow. The matter would have to be tried twice over, and an amount of odium would be incurred against which no Department could stand. But the hon. Member wished the Board of Trade to act as in the case of the Piers and Harbours Act. Under that Act they declined going into the question of competition, and if a good *prima facie* case was made out by the promoters, they granted a provisional order. That order lay on the table of both Houses, and did any one suppose that the parties objecting on the ground of competition would not immediately petition or move that it be cancelled and the case tried before a Select Committee? What would be gained? There would be a saving in the matter of fees, a great consideration in the case of an unopposed Bill, but a mere drop in the bucket in a Parliamentary contest. If the hon. Gentleman meant to insist that railway companies should not be heard even before Parliament on the ground of competition, that was going far beyond present legislation. There might, indeed, be a third course. The Board of Trade might decline to grant a certificate, under the 52nd section. But it would scarcely be fair to throw upon the Department the onus of refusing to give the full advantage of the Act to an applicant. Nor again was the length of the line or the capital involved always a measure of the difficulty of the case. He attached no importance to what might be

said about any understanding with railway companies at the time of the passing of the Act of 1864. Private arrangements by the promoters of Bills, even of public Bills, for the purpose of preventing opposition, did not pledge the public faith, and could not bind Parliament in future legislation. He only looked to what was the best course in the case before the House. The Royal Commission had reported against any alteration in the Act of 1864, in the direction of depriving railway companies of the right of presenting their case for the consideration of Parliament. His own opinion was that the present Bill did not do this, and, indeed, that it would be powerless to effect the hon. Member's object. He should recommend him not to press it; but, at the same time, if he wished to refer it to a Select Committee he saw no reason on the part of the Government for offering any opposition.

MR. WHALLEY made a few observations in reply.

Question, "That the word 'now' stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

House adjourned at a quarter
before One o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, May 20, 1867.

MINUTES.]—SELECT COMMITTEE—On Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod *appointed*.
PUBLIC BILLS—*First Reading*—Bunhill Fields Burial Ground* (105).

Committee—Increase of the Episcopate (96); Customs and Inland Revenue* (93); Fortifications (Provision for Expenses) (84).

Report—Office of Judge in the Admiralty Divorce and Probate Courts* (102); Customs and Inland Revenue* (93); Fortifications (Provision for Expenses) (84).

THE COLONIAL CHURCH.—QUESTION.

Lord LYTTTELTON having put a Question,

THE DUKE OF BUCKINGHAM was understood to say that it was the intention of Her Majesty's Government to introduce a Bill dealing with some of the questions affecting the Colonial Church during the

present Session; but that as a Conference of all the Bishops was to be held in a short time at Lambeth it was not intended at the present moment to deal as largely with the subject as would otherwise have been done.

INCREASE OF THE EPISCOPATE BILL.

(*The Lord Lyttelton.*)

(NO. 96.) COMMITTEE.

Order for Committee read.

LORD LYTTTELTON said, that when the Bill was before the House on the last occasion, he was not aware of a circumstance which went far to strengthen his case. That circumstance was that, on the 21st of February, 1865, the following Resolution was unanimously agreed to by both Houses of Convocation of the Province of York:—

"That a humble Address be presented to Her Majesty, praying Her Majesty to take into Her Royal consideration the need which exists, from the vast increase of the population of England, for an increase in the English Episcopate, and humbly to submit that there should be constituted three additional Sees—two in the Province of Canterbury—namely, at Southwark and at Bodmin or Truro; and one in the Province of York—namely, at Southwell."

When the Report upon the Bill was brought up, he should again raise the question of the income of the new Bishops, upon which he had been defeated on a previous occasion by a majority of 1 only, and he was not sure that all the noble Lords who voted knew what they were voting about.

House again in Committee.

LORD LYTTTELTON said, that as far as he was aware, the only point in the Bill that remained for consideration was the last clause, upon which two Amendments had been proposed—one by a right rev. Prelate (the Bishop of Oxford), and the other by the most rev. Primate. In his opinion, the clause might well be passed as it stood; but as he was anxious to pass the Bill, he should be willing to accept either of the alterations proposed.

THE ARCHBISHOP OF CANTERBURY said, that having found great difference of opinion to prevail among his right rev. Brethren with regard to the Amendment he was about to propose, he should be glad if his noble Friend (Lord Lyttelton) would allow the question to be postponed. He might, perhaps, bring forward his Amendment upon the Report; but he required further time to confer with the Bishops upon the subject.

THE EARL OF DERBY said, he was glad to hear the most rev. Primate propose the postponement of the Amendment, which appeared to him to be open to grave objection, inasmuch as it would give every Bishop the power of appointing a suffragan to assist him, instead of their being appointed only in case of age or infirmity. He desired to see a moderate increase of the Episcopate; but he believed the proposal of the most rev. Primate would be fatal to the Bill.

LORD PORTMAN concurred in the suggestion for postponing the question until a future occasion, seeing that it was one which required a very great deal of care in its consideration.

EARL STANHOPE wished to know whether it was intended that the suffragan Bishop on his appointment was to have full and entire authority in the see. If that were so, he asked in what respect would this arrangement differ from the appointment of the Bishop of a diocese, and what possible motive could there be for continuing the Bishop if the whole of the episcopal functions were performed by another person? If, on the other hand, the suffragan was to exercise co-ordinate authority with the Bishop, and was not to supersede the authority of the Bishop, he wished to know which was to prevail in the event of a difference of opinion arising between them?

THE BISHOP OF LONDON said, he was glad that the most rev. Primate had thought fit to postpone his Amendment, because there were various intricate matters connected with it which should be very thoroughly considered before the subject came directly under the notice of their Lordships. With regard to the question of the noble Earl (Earl Stanhope) he thought there would be no difficulty in the point to which he had alluded. According to the Act of Henry VIII. and according to the proposal of the most rev. Primate the suffragans would act under the commission of the Bishop of the diocese, and this commission would distinctly state what the functions of the suffragan were to be. There were Episcopal acts which could be as well performed by men in old age as in the vigour of youth, while, on the other hand, there were certain acts which could only be performed by men of great bodily vigour. He thought that when the Bishop was advanced in years he should be empowered to appoint some person to discharge the duties which he was unable to

perform. With regard to the other points which had been urged, he might mention that he presumed the Act which abolished pluralities would hold good in spite of the Act of Henry VIII.; and therefore he was not of opinion that there was any danger of re-establishing pluralities by the reference made in the clause to the Act of Henry VIII. The suggestion of the noble Earl at the head of the Government, with others, would receive the greatest attention from the right rev. Bench. In most cases the necessity for a suffragan would arise only where a Bishop was disabled by old age or infirmity; there were other cases, however, which might well be provided for in dealing with this question. Their Lordships were aware that the Continent of Europe was nominally under the charge of the Bishop of the metropolis. Some time ago the Southern part of the Continent was withdrawn from his superintendence by the establishment of the see of Gibraltar; but the other portions of the Continent were still supposed to be under the see of London, and the Bishop exercised a certain amount of superintendence over the chaplains of the Continent. One great difficulty had arisen in connection with this branch of duty. Of course it was impossible for the Bishop of the metropolis to hold a triennial visitation on the Continent, and the consequence was that confirmations had not been regularly performed. Arrangements had been made to meet the difficulty by taking advantage of the occasional visits of the colonial and other Bishops, and the expenses had been partly borne by the Society for the Propagation of the Gospel and partly from other sources. Why should means not now be taken whereby these purposes might be more effectually attained than they had been in former years? The Act of Henry VIII. was passed by persons whose knowledge in ecclesiastical matters was not to be despised. It had received the sanction in later times, among others, of Bishop Gibson, a famous authority on ecclesiastical law, who expressed his regret that the system of acting by suffragans had been discontinued. He hoped his noble Friend would consent to give time in order that the whole subject might be carefully re-considered by the episcopal Bench before it was again submitted to their Lordships.

EARL GREY said, he thought it very well worthy of consideration whether it would not be better to take the assistance

of the Deans and Archdeacons in the various dioceses in preference to the appointment of suffragan Bishops? He had ventured to draw up clauses with that view, which he ventured to recommend to their Lordships' attention. The Bishops now availed themselves very largely of the assistance of colonial Bishops who had served in the colonies and had come home. Bishop Anderson, he understood, had largely assisted the Bishop at the head of the metropolitan diocese. He thought it would be much preferable that the Deans should be constituted Assistant Bishops, and as such should perform such duties, and such duties only, as the Bishop of the see deputed to them. Whether it would be better that the House should now resume, and take up this clause again in Committee, or whether his clauses should be dealt with on the Report, he thought there was no pressure as to time, that should prevent them from dealing carefully with the whole of this important subject.

LORD LYTTTELTON said, he was very sensible of the great advantages derived from the care and attention which had been bestowed on this subject by noble Lords and right rev. Prelates. He was only anxious to consult the convenience of the House in the course which should be adopted. He hoped a day would be named when the right rev. Bench would be prepared to state what recommendation they would make for the acceptance of the House, and that no further delay would then take place.

THE LORD CHANCELLOR suggested that this clause might be omitted in the meantime, and the clauses of the noble Earl (Earl Grey) be brought up on the Report.

EARL STANHOPE hoped his noble Friend who had charge of the Bill would consent to the Chairman reporting Progress. On the Report only one speech could be made, which on a matter of detail might not be very convenient.

House resumed; and to be again in Committee on *Monday* next.

NEW PALACE YARD AND THE HOUSES OF PARLIAMENT.—QUESTION.

LORD LYVEDEN asked Her Majesty's Government, What arrangement had been made with respect to New Palace Yard and the Roads round the Houses of Parliament? It had been considered by competent judges that a broad thoroughfare

from Victoria Street to Westminster Bridge would have formed one of the finest streets in the metropolis; but it appeared that according to the present arrangements the thoroughfare instead of being straight would be angular, and inconvenient in every respect. He believed that the arrangement was still capable of correction, and he wished to know whether the Government would submit the plans to Parliament and the public, in order that an opinion might be expressed with respect to them? Another point to which he desired to call attention was the removal of Canning's statue, which, at the time when a subscription was raised for its erection, it was thought proper to place near the scene of that statesman's struggles, triumphs, and glories. The intention now was, he believed, that the statue should be removed to a small garden near Great George Street, where it would be completely hidden by the trees and shrubs. He was told that the statue had been shunted to suit the convenience of an underground railway. He did not see how a statue placed above ground could interfere with a railway underground. He thought that the statue of such a statesman should not be removed from the site where it had been saluted by the passers by for forty years without some good reason.

THE EARL OF DERBY said, that in the matter referred to the present Government were merely carrying out the plans of their predecessors, for which a Vote had been taken in the other House of Parliament. He did not see that those plans when carried out would interfere with the approaches to Westminster Bridge. At present, persons passing from Victoria Street to the Houses of Parliament had to go along two sides of a triangle, and that inconvenience would be obviated by the alterations now being made. The new street would have a broad footway, and at one end would stand Canning's statue, in a most conspicuous position, and at the other the statue of the late Sir Robert Peel. Both would be quite as open to public observation as Canning's statue hitherto had been. He believed that the alteration would not only effect a great convenience, but would also be a great public improvement, and it was absolutely impossible now to make any alterations in plans which had already received the sanction of Parliament.

LORD REDESDALE said, he could not understand how it would be possible to

make a straight street from Victoria Street to Westminster Bridge.

FORTIFICATIONS (PROVISION FOR EXPENSES BILL.—(*The Earl of Longford.*)

(NO. 84.) COMMITTEE.

House in Committee (according to Order).

LORD PORTMAN observed, that the fortifications in the Bristol Channel did not appear to be making any progress.

THE EARL OF LONGFORD was understood to say, that some difficulty had arisen in carrying out one of the contracts; but he hoped that arrangements would be made by which the works would be resumed.

EARL GREY said, that Parliament was guilty of extraordinary inconsistency in passing this Bill. The fortifications were being provided for by borrowed money, and at the same time the House of Commons was trying to reduce the National Debt by means of terminable annuities. The simplest way of paying the Debt was to keep the expenditure within the income, and to apply any surplus to the reduction of the Debt; but to have an elaborate scheme to tie up the hands of Parliament by creating terminable annuities, and at the same time to create new Debt by borrowing money, was a great inconsistency.

THE EARL OF LONGFORD said, that the money required for carrying out these works had been already voted by the other House.

Bill reported, without Amendment; and to be read 3^a To-morrow.

OFFICE OF THE CLERK OF THE PARLIAMENTS
AND OFFICE OF THE GENTLEMAN USHER
OF THE BLACK ROD.

Select Committee on, appointed: The Lords following were named of the Committee:

Ld. Chancellor	V. Sydney
Ld. President	V. Eversley
Ld. Privy Seal	L. Colville of Culross
D. Richmond	L. Ponsonby
M. Salisbury	L. Foley
M. Bath	L. Redesdale
Ld. Steward	L. Colchester
E. Devon	L. Wynford
E. Carnarvon	L. Stanley of Alderley
E. Chichester	L. Cranworth.

House adjourned at Six o'clock,
till To-morrow, half past
Ten o'clock.

Lord Redesdale

HOUSE OF COMMONS,

Monday, May 20, 1867.

MINUTES.]—SUPPLY—considered in Committee
CIVIL SERVICE ESTIMATES, CLASS II—SALARIES
AND EXPENSES OF PUBLIC DEPARTMENTS.

PUBLIC BILLS.—*Second Reading*—Army Enlistment* [147]; Pier and Harbour Orders Confirmation (No. 2)* [162].

Committee — Representation of the People [Clause 4] [79] [R.P.]; National Debt* [114].

Report—National Debt* [114].
Considered as amended—Hypothec Amendment (Scotland)* [100].

IRELAND—THE SALTERS' COMPANY AND THEIR IRISH ESTATES.

QUESTION.

MR. MAGUIRE said, he rose to ask the Chief Secretary for Ireland, to give, on the part of the Salters' Company, answers to the following questions:—What was the rental of the entire estate of the Salters' Company in the County Derry, including the town of Magherafelt, while held on lease by the Bateson family; and, on the expiration of the Bateson lease, what was that rental raised to in the years 1854 and 1865? How much of the £16,000 alleged to have been expended by the Company was devoted to improvements beneficial to their tenants, and calculated to enhance the value of the tenants' holdings; and what is the rate of interest exacted by the Company for such expenditure? Did the Company, since assuming entire control of the property in 1854, expend any sum, and, if so, how much, in paving, lighting, or sewerage the town of Magherafelt, which, being below the population standard required by Law, cannot be placed under the provisions of the Towns Improvement Act; and are not the side paths almost wholly unpaved, and such buildings as the Town Hall unfit for public use, owing to their dilapidated condition? Have not the tenants of the town invested, by purchase and expenditure, capital to the extent of between £30,000 and £40,000; and have not the whole or the vast majority of their rents been quadrupled since 1854, notwithstanding the said investment? Did not the Company in their printed reply to the Chief Secretary for Ireland, state that there was not, with their knowledge, a single "notice to quit" served on any tenant in the town of Magherafelt; and did not the Company admit, on the following day, that

forty-nine "notices to quit" had been served upon said tenants? For what purpose, if not for eviction or further increase of rent, were these notices served? And, have the Company refused perpetuity leases to persons desirous of expending large capital in the introduction of manufacturing industry into the town?

LORD NAAS: I hope, Sir, the hon. Member will not consider that I act discourteously towards him when I say that I do not think it within my duty to answer this Question. The rule of this House is—

"Before public business is entered on questions are permitted to be put to the Ministers of the Crown relating to public affairs."

The Question of which the hon. Member has given notice is not a Question that in any way relates to public affairs. It relates to the private affairs of a Company that owns property in the North of Ireland, and of whose affairs I can possibly have no official cognizance.

IRELAND—WEIGHTS AND MEASURES (DUBLIN).—QUESTION.

MR. PIM said, he wished to ask the Chief Secretary for Ireland, Whether it is the case that there is no provision for the Inspection of Weights and Measures in that portion of the Metropolitan Police District which is outside the limits of the jurisdiction of the Lord Mayor of Dublin; and, if so, whether it is his intention to provide any remedy?

LORD NAAS: Sir, the question to which the hon. Gentleman refers is one of some difficulty. It is not quite clear whether there is any jurisdiction with respect to weights and measures in the particular district to which his Question relates. I have recommended that a case shall be laid before the Law Officers of the Crown; and if it be found that no jurisdiction exists, we shall probably think it our duty to introduce a Bill on the subject.

IRELAND—COURT OF ADMIRALTY.

QUESTION.

MR. PIM said, he would now beg to ask the Chief Secretary for Ireland, Whether it is his intention to introduce any measure respecting the Court of Admiralty in Ireland during the present Session of Parliament; and, if not, whether he can promise that the subject will receive his early attention with a view to legislation next year?

LORD NAAS: We propose, Sir, to wait till we see what course Parliament is likely to take with regard to the Court of Admiralty in England. As soon as the House has come to a decision upon that point, we shall introduce a Bill for Ireland. I do not think it possible that time will permit the passing of the measure during the present Session; but by laying it on the table an opportunity will be afforded during the recess for the consideration of its provisions.

METROPOLIS—FOOTPATHS BOUNDING CROWN PROPERTY.—QUESTION.

MR. OWEN STANLEY said, he wished to ask the First Commissioner of Works, If the flagging of the footpath from Buckingham Palace Gate to the Royal Stables' entrance has been done at the expense of the Crown, also the footpath in Piccadilly adjoining the Green Park, and in Knightsbridge adjoining Hyde Park, prior to the parish taking the footpaths under their care; and, if this is the case, why the Crown have not continued the flagged footpath from the Royal Stables' entrance in front of several houses occupied by Her Majesty's servants in Arabella Row on to the back entrance into Buckingham Palace Gardens at the end of Grosvenor Place, but have left it in a dirty and unfit state for the public use; and, why the Crown does not make the flagged footpaths in front of Royal property in the same way as private individuals are obliged to do in front of their houses before the parish will adopt the pavement? Since last he put a similar question he had ascertained that the Vestry of St. George's Parish considered it the duty of the Crown to repair these footways.

LORD JOHN MANNERS said, in reply, that the footpaths from Buckingham Palace Gate to the Royal Stables and in Piccadilly adjoining the Green Park had both been flagged under the provisions of special Acts of Parliament. The paving of the footpath in Knightsbridge adjoining Hyde Park had formed the subject of an animated debate and division in the House of Commons in 1856, upon a Vote proposed by the First Commissioner of Works of that day, on the ground that Government had always been responsible for it. With respect to the third Question, the answer he had to give was that the footpath alluded to in Arabella Row was not under the control of the Government,

but had been for years repaired by the parish, and if it were in the unsatisfactory condition described by the hon. Gentleman the remedy was an application to the parish authorities.

MR. OWEN STANLEY said, he wished to know whether he was to understand that the noble Lord repudiated the right on the part of the Crown to repair this footway?

LORD JOHN MANNERS said, that if by the words "right of the Crown" the hon. Member meant liability of the Crown to repair the footway, he most certainly did.

ARMY—THE 98TH REGIMENT.

QUESTION.

SIR EDWARD BULLER said, he would beg to ask the Secretary of State for War, Whether it is true that the *dépôt* companies of the 98th Regiment were ordered to embark at Tilbury Fort, about the middle of April last, to proceed by sea for Portsmouth, and were two days and nights on the voyage, instead of proceeding by railway in six or seven hours; and, whether it is true that on board the transport, though conveying between 200 and 300 persons, there was no medical man; that one of the 98th Regiment broke his leg during the voyage, and remained with the limb unset till his arrival at Portsmouth; and that the Officers of the Regiment on their arrival were exposed to great inconvenience from no quarters having been provided for them?

SIR JOHN PAKINGTON said, in reply, that he was happy to inform his hon. Friend that the Question which he had asked embodied a very exaggerated statement. The detachment which embarked, including women and children, numbered only 196, and instead of having been two days and nights at sea, was less than twenty hours. It was, unfortunately, true that the evening she sailed one of the privates broke his leg, and that owing to there being no medical man on board, some hours elapsed before it could be set; but the injured man received from his comrades great kindness and effectual assistance, and the leg was immediately placed in splints. It was not usual on short passages of this kind to send an army surgeon with such a small detachment; but he was happy to state that the fracture was set a few hours after the accident occurred, and the man was now convalescent. Quarters were provided for the

Lord John Manners

officers, but, being scattered about, they were inconveniently placed, and consequently they preferred not to occupy them.

ARMY—BATTERIES AT HARTLEPOOL.

QUESTION.

MR. FREVILLE-SURTEES said, he would beg to ask the Secretary of State for War, If it is the intention of the Government to take any steps to protect the Batteries on the Moor at Hartlepool against the action of the sea, the North Battery having become so undermined as to render it dangerous to use the guns?

SIR JOHN PAKINGTON, in reply, said, the batteries referred to by the hon. Member were erected for the protection of the town of Hartlepool and the adjacent harbour, on the understanding that the local authorities would build the sea wall necessary to ensure their safety. That had not been done, and in consequence of the inroad of the sea the batteries were in danger. The mayor and corporation of Hartlepool were the persons who ought to build the sea wall to protect the batteries, and if they did not do it he was afraid the Government would have to remove the guns and abandon the works.

THE CHARITY COMMISSIONERS—CLIFTON-ON-DUNSMORE PLOT RENTS.

QUESTION.

SIR ROBERT PEEL said, he wished to ask the Vice President of the Committee of Council, Upon what grounds certain charitable monies called Plot Rents, which for more than 200 years have been expended for the benefit of the deserving poor inhabitants of the parish of Clifton-on-Dunsmore, in the county of Warwick, have been applied at the instance of the Charity Commissioners, and contrary to the wishes of the ratepayers and inhabitants, in aid of Church Rates for the repairs, &c. of the parish church, and also upon what grounds the Charity Commissioners nominated four persons as trustees of the said charity, not one of whom was possessed of any real property in the said parish?

LORD ROBERT MONTAGU, in reply, said, he thought he had given the right hon. Baronet a very full answer to his Question on a former occasion. The Charity Commissioners were a distinct Court of Law, forming a subordinate branch of the Court of Chancery. During the whole of the proceedings facilities had been given to the ratepayers, and every objection made by

them was duly considered; and they had a right of appeal within three months after the award was made if they felt aggrieved with the decision. That had not been done. The foundation, which dated from the 1st of May 1648, devised the funds for two purposes. One moiety was given to the churchwardens of the parish for the repairs of the church, and the other moiety went to the constables of the parish. It was useless now to give the latter moiety to pay parish constables. That moiety therefore went to provide material comforts for the poor; and the other moiety still went towards the repairs of the church. The Charity Commissioners had the sole authority to appoint trustees, and they did in that respect what they thought best. It was not necessary that such trustees should be owners of real property in the parish.

IRELAND—POLLUTION OF RIVERS.

QUESTION.

MR. POLLARD-URQUHART said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of the Government that the inquiries of the Commissioners appointed to inquire into the best means of preventing the pollution of rivers shall be extended to the rivers in Ireland?

LORD NAAS, in reply, said, he found that the Commissioners, by an official letter, had declared that they would not be able to conclude their inquiry with regard to England till the year 1868. There was therefore plenty of time to consider what course should be adopted with regard to the Irish rivers. Individually, he thought it highly desirable that the condition of Irish rivers should also be inquired into.

ARMY—MILITARY STORE DEPARTMENT.—QUESTION.

SIR ROBERT ANSTRUTHER said, in the absence of his hon. Friend (Mr. Oliphant), he would beg to ask the Secretary of State for War, When it is intended to remedy the grievances complained of by the officers of the Military Store Department, the existence of which was recognised in a remedial measure proposed last year by the Secretary of State for War, but not yet carried into effect?

SIR JOHN PAKINGTON said, in reply, that the grievance had been under his consideration, but it had to be considered

in conjunction with another department. They withheld any final decision upon the subject until they should decide what course should be taken with reference to the Report that had been recently presented to the House.

INTERNATIONAL SYSTEM OF MONEY ORDERS.—QUESTION.

MR. EWART said, he would beg to ask the Secretary of State for Foreign Affairs, Whether his attention has been called to the existence of an International system of Money orders established between Italy and France; whether there is any prospect of a similar system being established between England and France, or any other foreign country; and whether the Government of France has expressed, through their Post Office Department, its willingness to promote the establishment of such a system between France and England?

LORD STANLEY, in reply, said, he understood that an International system of money orders had been established between Italy and France, and an inquiry had taken place with regard to the establishment of a similar system between England and France. He had been told the subject was under the consideration of the Post Office authorities, and negotiations had passed between the Post Office authorities of both countries. He believed that an office had been opened by way of experiment.

SCOTLAND—SOUTHERNESS LIGHTHOUSE.—QUESTION.

MR. MACKIE said, he wished to ask the Vice President of the Board of Trade, If he has read the Excerpt of the Minutes of a General Meeting of the Nith Navigation Commissioners held at Dumfries on the 11th of May, 1867, when it was resolved on and after the 1st day of July next to extinguish the Light at Southernness Lighthouse; also, the Notice of said Resolution to Shippers and others; and, if he is prepared to accept the responsibility which will attach to the Board of Trade on the extinction of this Light?

MR. STEPHEN CAVE, in reply, said, he had read the resolution and notice which the hon. Member had been good enough to send him. It did not appear from those documents that the consent of the Northern Lights Commissioners to the removal of the light had been obtained. By the 394th section of the Merchant

Shipping Act of 1854 it was enacted that—

“No local authority shall remove or discontinue any Lighthouse without the sanction of the General Lighthouse authority within whose jurisdiction the same is situate.”

Therefore it was hardly reasonable to ask the Board of Trade to accept the responsibility of an illegal act of the Nith Navigation Commissioners. Lights were of two kinds—general and local. General lights were maintained by dues levied on ships which might benefit in passing them. Tables of every possible voyage were kept at the Custom House, and before a vessel got her clearance dues, were levied according to the voyage she was making. For instance, every ship passing down Channel would pay dues in respect of the Eddystone. Local lights were those useful to ships entering certain ports or estuaries. They might be maintained by dues on ships entering such ports or estuaries. The lights in the Solway Firth, both on the English and Scottish side, had always been maintained as local lights, and it would cause great and just complaint if the burden were transferred to the general shipping interest, because falling off in trade or other circumstances made their maintenance inconvenient to the locality which established them.

ARMY—MILITIA COURTS MARTIAL.

QUESTION.

MR. OWEN STANLEY, in rising to ask the Secretary of State for War, If he intends to retain the 8th Clause in the Militia Reserve Bill, by which Militia Courts Martial may sentence deserters to twelve years' penal service in the Army, said, it would be necessary to make a few more remarks than was usual in putting a Question, and to be in order he would conclude with a Motion. It was a matter of great importance. By the 8th clause of the Militia Reserve Bill power would be given to militia courts martial to sentence deserters from the militia to twelve years' service in the army. [Order, order!]

MR. SPEAKER said, he must inform the hon. Gentleman that it was not competent for him, by moving the Adjournment of the House, to raise a discussion upon a Bill which was set down to be discussed on a future occasion.

MR. OWEN STANLEY said, he would put his Question as shortly as possible. First, he wished to know whether the

right hon. Baronet the Secretary of State for War intended to insist on the Clause being retained in the Bill?

SIR JOHN PAKINGTON: Will the hon. Gentleman allow me to answer the Questions as he puts them?

MR. OWEN STANLEY said, he thought it would be more convenient to put them all before they were answered. The second Question was whether the Clauses were in the Bill when it left the hands of the late Secretary of State for War; and thirdly, whether the Commander-in-Chief or any of the authorities at the Horse Guards had cognizance of the Clause being in the Bill before it was printed and distributed to Members?

SIR JOHN PAKINGTON said, he was glad the hon. Gentleman had given him an opportunity to answer the Question, which he would do without the slightest hesitation. It was not his intention to persevere with the clause. The clause was pressed upon him with the view of preventing desertion in the militia, but he had the greatest doubts at the time that the House would retain it, and he inserted it without the least intention of persevering with it if he found, as now appeared to be the case, that it was objected to. The hon. Gentleman not having given him notice of the other two Questions he was unable to answer them.

VACCINATION.—QUESTION.

COLONEL BARTELOT said, he wished to ask the Vice-President of the Committee of Council on Education, Whether he will lay upon the table of the House the Memorandum addressed in 1867 by the Registrar General of England and Wales to the Lords of the Privy Council, on the registration of successful cases of Vaccination?

LORD ROBERT MONTAGU, in reply, said, he should be very happy to show the Memorandum to the hon. and gallant Member at the office at any time which he might appoint. But it was not customary to print the remarks of one Department of the Government on the measures of another Department. Many inconveniences would arise if such a practice were to become common. One of them would be that any person who desired to print a pamphlet at the public expense would only have to send it in the form of a Memorandum to the head of a Department, and then get some Member to move for it in Parliament.

Mr. Stephen Cave

IRELAND—PROFESSOR THOMPSON, OF GALWAY.—QUESTION.

COLONEL STUART KNOX said, he wished to remind his noble Friend the Chief Secretary for Ireland that this day week he had put a Question to him in regard to Professor Thompson, of Galway, and that as that gentleman had written a reply to *The Daily News*, he presumed the Government had heard from the President of the Queen's College on the subject. He therefore wished to ask, Whether the noble Lord had received any answer to his inquiries as to the sanity or otherwise of the Galway Professor, and whether his attention has been called to the fact that after writing one letter justifying the Fenians, and recommending hanging of landlords and Members of Parliament, the Professor had written another, apparently intended as a vindication, in which, among other matter, there was this statement—

"Is a professional man to be treated like a refractory tenant-at-will for entertaining the views put forward by such men as Mr. Gladstone, Mr. Bright, Mr. Goldwin Smith, Professor Fawcett, and others equal or nearly equal in repute?"

LORD NAAS replied, that the Government had not instituted an inquiry as to the sanity of the Professor to whom his hon. and gallant Friend referred; but they had made a communication to the President of the Queen's College at Galway with regard to the letter to which his hon. and gallant Friend had on a former occasion called attention. The correspondence on the subject was still going on, and he was not in a position to answer the first inquiry of his hon. and gallant Friend at present.

THE CATTLE PLAGUE.—QUESTION.

MR. DENT said, he wished to ask the Vice President of the Committee of Council, Whether it is true that the Cattle Plague has made its re-appearance in the metropolis; whether foreign cattle are allowed to be brought from Harwich to the metropolis; and, if so, whether steps will be taken to prevent it?

LORD ROBERT MONTAGU, in reply, said, he was sorry to inform the hon. Gentleman that a case of Cattle Plague had been reported that morning in a dairy in Duncan Street, Islington. Out of a dairy of ninety-five cows, twelve were said to be suffering from the disease. The ques-

tion of not allowing cattle to be imported into the metropolis, was both a large and important one. It was difficult to secure a sufficient supply of meat for the metropolis, and if they interfered with the trade it would have the effect of raising the price of meat. The matter was under the consideration of the Committee of Council, but he was not then in a position to say at what conclusion they were likely to arrive.

MEETINGS IN ROYAL PARKS BILL.

QUESTION.

MR. P. A. TAYLOR said, he would beg to ask the Secretary of State for the Home Department, What his intentions are with reference to this Bill which stood for second reading?

MR. GATHORNE HARDY: It is not my intention, Sir, to proceed with the Bill this evening. I expected to be in possession of the course recommended by the Law Officers of the Crown before I should be called on to reply to the hon. Gentleman's Question, but I have not received their opinion yet. I think, however, that it is desirable the question of meetings in Royal Parks should be discussed without reference to a meeting for a particular object. My desire is that all persons should be enabled to enter the Parks for the purposes of recreation and enjoyment, and I believe that we shall best enable them to do so by preserving the rights of the Crown. As I think the question will be likely to receive a far calmer discussion at another time than now, when events connected with the recent meeting in Hyde Park are still fresh in the recollection of hon. Members and the public, I propose to postpone the second reading till after Whitsuntide, solely with the view that the subject should receive a satisfactory discussion.

REPRESENTATION OF THE PEOPLE (IRELAND) BILL.—QUESTION.

THE O'DONOGHUE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is his intention to bring in the Irish Reform Bill before Whitsuntide?

THE CHANCELLOR OF THE EXCHEQUER: I think, Sir, my noble Friend the Chief Secretary for Ireland is the person to whom the Question of the hon. Gentleman ought to be addressed. The Bill is in course of preparation, but it is

difficult to say whether, even supposing it to be ready, we shall have an opportunity of introducing it before Whitsuntide.

THE O'DONOGHUE having addressed his question to the Chief Secretary for Ireland—

LORD NAAS: I think, on the whole, considering that there is so much business before the House, it will be better for me to say at once that I think it is not desirable to introduce the Irish Reform Bill till after Whitsuntide.

MR. DARBY GRIFFITH said, he would beg to ask Mr. Chancellor of the Exchequer, whether he thought it desirable that the House should settle finally the borough franchise for England before they knew what were the intentions of the Government with regard to the borough franchise in Ireland? He ventured to put the Question, because he was given to understand that there was a disposition to make those two franchises altogether different from each other.

THE CHANCELLOR OF THE EXCHEQUER: I must say that, in my opinion, the best thing the House of Commons can do is to settle the borough franchise for England as soon as possible.

PARLIAMENTARY REFORM—
REPRESENTATION OF THE PEOPLE
BILL—[BILL 79.]—COMMITTEE.

(Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.)

CLAUSES 3, 4. [PROGRESS MAY 17.*]

Bill considered in Committee.

(In the Committee.)

Clause 3 (Occupation Franchise for Voters in Boroughs).

THE CHAIRMAN: The Question is to add at the end of Clause 3 these words—

“Provided always, That, except as hereinafter provided, no person other than the occupier shall, after the passing of this Act, be rated to parochial rates in respect of premises occupied by him within the limits of a Parliamentary Borough, all Acts to the contrary now in force notwithstanding.”—(Mr. Hodgkinson.)

Question proposed, “That those words be there added.”

THE CHANCELLOR OF THE EXCHEQUER: With regard to the addition to Clause 3 moved by the hon. Member for Newark in Committee last Friday, I wish to state that Her Majesty's Government have expressed their entire concurrence with the policy indicated by the proviso,

The Chancellor of the Exchequer

which appeared to be generally approved by the House. I, however, at the same time, expressed my doubts on the part of the Government whether the clause proposed by the hon. Gentleman would effectively and completely bring about the result that was desired, and I offered that, if he would not press his Motion at that moment, I would undertake on the part of the Government to consider the best means by which our object could be accomplished. We have given that subject consideration; and it is our opinion that the policy recommended by the Proviso can be effected by clauses in the Bill before the House, and if it can be so accomplished it shall be. There are, however, some difficulties with respect to which that information is not at hand, even in the most authoritative places, which we consider necessary. We think it will be necessary to make some inquiries, and that prevents me speaking positively on the form, although my general impression and that of the Government is that we can accomplish the object by inserting clauses in the Bill. I hope that very shortly—probably on Thursday—I may be able to lay on the table clauses by which this can be effected in a manner, I trust, that will be generally satisfactory. At the same time, I shall suggest to the House the method by which I think the general progress of the Bill should be hereafter conducted; so that we may be able, if this measure should obtain the ultimate sanction of the House, to send it up to the House of Lords at a convenient time. Under the present circumstances, it will be unnecessary for me to say that it will not be expedient to proceed with the 34th clause. I say this in deference to what I believe to be the general wish of the House; and if that is so we shall proceed to-night, after disposing of the 3rd clause—which I hope we shall do very shortly—to the consideration of the 4th clause.

MR. CHILDERS: As I have an Amendment on the Paper to follow that of the hon. Member for Newark, I think, after the statement of the Chancellor of the Exchequer, I shall consult the convenience of the House by saying at once that, understanding the right hon. Gentleman will bring up complete clauses on the subject, I shall not proceed with my Amendment.

MR. HODGKINSON: After the statement we have just heard from the right

hon. Gentleman I shall, with leave of the House, withdraw my Amendment.

Mr. POULETT SCROPE said, that as all the questions of rating hung together it would probably not be convenient to the House to discuss the Amendment which he had placed on the Paper until the question of the compound-householder had been finally disposed of. He would therefore, by leave of the Committee, postpone his Amendment until after the discussion of the clauses which had been suggested by the right hon. Gentleman.

Amendment, by leave, *withdrawn*.

On Question, that Clause 3, as amended, stand part of the Bill,

Mr. LOWE: Sir, I do not think that I should make a very unreasonable request of the Committee if I were to suggest that this clause—which is probably the most important that was ever submitted to the House of Commons—should be re-printed and considered as a whole on a future day. I confess that I have very little hope, in the present temper of the House, that I can prevail upon the Government to do so; but I think it would be more for their and our dignity if they did. None of us know the form of the clause as it now stands. It is impossible, indeed, that we should. It has been more amended and more cobbled than any other clause probably ever was, and it is a clause which comprises in itself a whole revolution—and yet I gather that it is the opinion of the House of Commons that I am not warranted, and that I should be over bold and presumptuous if I were to ask them to let us see the clause in full before we discuss it further. I gather that to be the opinion of the House, and as I have never sought to place myself in opposition to the opinion of the House during the discussions which have taken place on this Bill, I will not press this now at the risk of being thought desirous—which is not the case—to delay the progress of the measure. I am doing that which I very much dislike to do—namely, going counter to the wish of the House at this moment, which is, no doubt, to pass the clause at once; but I must beg them, before adopting this clause, to listen for a short time to objections against it which have never been urged in this Committee, and which, in fact, have never been urged at all. Had this clause ever been debated in the House—I mean the principle of it—I would not now trouble the House in the middle of

a Committee whose natural business is to investigate details with a statement of my opinion upon it. But the truth is that it is only now, since the right hon. Gentleman has spoken this evening, that we know what the real principle of the measure is to be. The principle of the Government measure has never been debated in this House. The principle is this—that all householders are to have the franchise except such as are excused from the payment of rates on the ground of poverty. Now, I think nobody can say that this is not a fair description of the principle; and, whatever any one else may say, I, for one, think it a principle worth discussing before we adopt it. No blame, of course, attaches to the House for not having discussed the principle, because it has never been before us. We have had it, indeed, as a part of a measure; but it was accompanied by so many safeguards and restrictions, that it was impossible to separate it from them and to look at it in its simplicity and totality. The right hon. Gentleman opposite (the Chancellor of the Exchequer) has adopted a course which is infinitely creditable to his dexterity as a tactician. He well knew that had he proposed the measure as it is now before us and shown it to his party at first they would have started back from it in horror. The right hon. Gentleman has treated them as we treat a shy horse—a horse which is in the habit of shying at a milestone or a perambulator, or anything of that kind—take him gently up, walk him round the object, show him what is the real cause of his fright, and make him touch it if we can; and then, when the process has been repeated often enough, we hope we shall get the creature to pass it quietly. And this has been the process which the right hon. Gentleman has adopted with his own party; and he has done it, not privately and secretly, but in the sight of the whole country and the whole Empire. I can only say, for one, that I hope they like it. I trust they like to have it made public to all the world that the right hon. Gentleman has been playing with them for the last three months—that they have been the targets of his wit, the sport of his dexterity. I hope they like the publicity and the openness of the matter. Remember what the right hon. Gentleman told us last Friday night. He said, “Adopt the Amendment of the hon. Member for Newark? Of course, I will adopt it. Why, it is the very thing that we wished to do

[Committee—Clause 3.]

when we first devised the measure. We saw"—he did not say in so many words, but his speech amounted to this—"we saw from the first that the principle of personal rating and the compound-householder were things absolutely antagonistic—that one must kill the other; and we determined from the first that the principle of personal rating should overthrow the compound-householder. But we did not say so. No; we had a precious cargo on board, and we did not wish to overload our ship with something which might sink it. That is to say, we kept before the eyes of our party duality of voting, a long residence, and the compound-householder, to intervene between our proposal and household suffrage, until we had familiarized them with the idea of household suffrage, and then we dropped them one by one, assuring our party all the while—as we have been told by three Secretaries of State of the present Government—that the measure was not a measure of household suffrage, not a democratic measure, but that it was, and would be, safely guarded." Indeed, one of them stated that if the Bill were not safely guarded he would have nothing to do with it; and another would rather do penance in a white sheet. All this has been done; and now, one by one, the disguises have been taken off, and we are introduced to this measure for the first time as it really is—that is, household suffrage, limited practically only in not being extended to those who on account of poverty are excused from paying their rates. And then comes the lodger suffrage; but when put beside household suffrage it dwindles into insignificance. I will describe it as I understand it. It seems to me to be a franchise which will give a vote to anybody who likes to have one, guarded only by the proviso he is not a householder. He is not even required to pay any rate or any rent; there is no notoriety in the transaction on which his vote rests—he has nothing to do but to ask and to have; there cannot be a more general and sweeping clause. I ask, why should the House adopt it? What arguments and what reasons have been adduced why we should adopt this measure? Last year, on the question of the £7 franchise of the right hon. Gentleman the Member for South Lancashire, we argued the question—we went into points of expediency—we debated *pro* and *con* what the effects of such a measure would be on the interests of the country and of the Empire. Some considered that the effects would be good,

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and others that they would be bad. We entertained the question then as we entertained all other questions. Have we done so this year? Has there been a word said to show what state of things the measure would introduce, and what will be the result to the Constitution when it is passed? What are the hopes? what are the fears? Has there been a word said on the subject? No; from first to last we have been engaged in the most revolting details, endeavouring to adapt the proposal of the Government to a state of things, as regards rating, to which it was not possible to adapt it, but which it has at last destroyed in order to make a place for itself. The measure, as has been well said, in an able paper, has proceeded like the car of Juggernaut, crushing under its wheels the principles of those who supported it, destroying the state of things to which it endeavoured to adapt itself, and now the very principle upon which it was to be founded, by the admission of a lodger franchise. I say that if we adopt it it will not be from any argument we have heard. We have not heard any of those considerations of that higher policy which ought to dictate measures of this kind; nor do I believe there is any conviction entertained by this House of the expediency of the measure. There may be such a conviction; but I have observed no trace of it in this debate. How am I to account for this fact—that we have arrived at the point of a complete revolution in our Constitution, at an alteration so vast that no one seems to have been able to bring his mind to measure its extent, and that without the consideration we are in the habit of bestowing on the principle of the smallest and most insignificant measure? Many causes may be assigned for this. I will not weary the House by going into them at length. One is—weariness of the subject. Members are tired of it, and well they may be; and being tired of it, they are willing to accept anything without looking narrowly at it in order to be delivered from a nuisance that is becoming intolerable to us all. There is, also—for this great change does depend in some degree upon the faults of our existing system—there is, also, dread of dissolution—dread of dissolution more than ordinary deep and hearty because the last election was one of more than ordinary profligacy and extravagance. The third point is a very potent one—dread of the new class of voters who are to be brought into existence. Power is to be

transferred from an existing class to another class of voters, and Gentlemen are afraid that if they stand up for the existing order of things they may give offence to those who are to come into existence, and so lose their seats. These motives, no doubt, have been powerful, especially with this side of the House. What shall we say of the other side of the House? What motives can have influenced hon. Gentlemen opposite—after what we heard last year in opposition to the £7 franchise—to turn round and vote for something which turns the flank and gets into the rear of the Liberal party, and has thrown the most violent among them utterly into the shade? What can have induced the Conservative party of England to enter into this ruinous competition—to abandon the useful and honourable position they held of defending the traditions and existing institutions of this country, of scanning even minor measures critically with reference to such considerations, to say nothing of such measures of vast and unspeakable importance as this? What can have made this wonderful change in hon. Gentlemen opposite? I do not want to be unjust or unfair to them. No doubt hon. Gentlemen on this side of the House had laid out for themselves an exceedingly agreeable programme on this subject of Reform. They were always to be bringing in Reform Bills. They were to enjoy the popularity that is to be caught by bringing in Reform Bills; they were probably to enjoy office as the result of that popularity. Hon. Gentlemen opposite were to do their duty by resisting Reform; they were to incur all the unpopularity to be got by such resistance; and they were to incur almost perpetual exclusion from office as the natural result of that unpopularity. Speaking candidly and fairly, I do not very much wonder that hon. Gentlemen opposite got rather weary of a system of this kind, and endeavoured to reverse the programme—and, looking at the matter from a mere party point of view, I think there is a great deal to be said in palliation of their conduct. But this is not a question of party—this is a question of the country. I think both those who are most friendly to this measure and those who are most hostile will alike agree with me when I say that this is a measure which will, for good or for evil, alter, change—I do not wish to mince the matter—revolutionize the institutions of this country for all time to come. I do not think I expect

too much when I say that it might have been hoped that among the great party opposite, with such an enormous stake in this matter, there would have been found some who would have lifted their minds a little above these wretched considerations of party, and who would have accepted the very disagreeable party alternative I have described, rather than consent, in order by a clever manoeuvre to checkmate their antagonists, to sweep away all that we have hitherto regarded as the bulwarks of the institutions of this country. It appears that this is not so; party is to be dominant; the country is to be put aside and forgotten. I do not hope, I do not expect for a moment that I can make any impression on them. Why should I? They have their Leader such as I have painted him; they trust him, they follow him. Who am I, that I should be able to persuade them to an opposite course of action? But as I hope and expect to live a few more years in this world, I think it due to the historical aspect of the question that it shall not be said that this thing was allowed to pass without some voice being raised to protest against the subversion of the most useful and honoured institutions of the country, and their subversion by those in whose hands the country proudly and foolishly believed they were safe.

Let us now consider what this Bill will do. We had statistics last year; this year we have souls above statistics. Nobody can tell to within 100,000 what the enfranchising effect of this Bill will be. We have no guide whatever: how should we, when it is changed from day to day? Of course, the municipal franchise is no sufficient guide, because of the residence clause, and the limitation of the new franchise to householders. I do not think it would be an unreasonable thing to suppose—putting aside the lodger franchise—that the Bill will at least double, and probably it will more than double, the existing constituency. If any Gentleman can give information, now is the time; let him speak now, or for ever keep silence. I should have thought—in my old-fashioned way of looking at things—that before we hand over the country to a new power in the Constitution, it would have been right to have had information on the subject. But this is one of my obsolete prejudices. I should have thought that, before we handed our Constitution over, as I have said, to persons who are more numerous probably than the present constituency,

and before we effected a complete and absolute transfer of power, we ought to have had some little inquiry. The hon. and learned Member for Edinburgh (Mr. Moncreiff) has told us that the notion, which every statesman in England has held up to the present time, that property and intelligence ought to be represented in this House as well as numbers, is one of those platitudes that has long since been buried. I only wish that all other platitudes were buried with it. As it is, things are daily said which make me hardly able to believe my ears. Scotland, it is said, is a highly-favoured country; and England is an ill-used country; because, in Scotland, according to the declaration made the other night, a greater amount of poverty and ignorance will be admitted into the constituencies than in England. The hon. and learned Member for Sheffield (Mr. Roebuck) is congratulated beyond measure. He is happy above all the children of men, because he is to have 28,000 electors let loose upon him in addition to and below his present constituency. On the other hand, the hon. Member for Birmingham (Mr. Bright) has been treated with the most cruel ingratitude by the House, because it has withheld from his embraces 36,000 men of Birmingham who are burning to record their votes for somebody. People are happy according to the proportion of poverty and ignorance they are allowed to represent, and are miserable in proportion to the prevalence in their constituencies of those elements which used to be sovereign in this country—property and intelligence. I should like to bury that platitude with the rest. In like manner words have faded from our recollection. Nobody could get up last year without making use of the strong vernacular expression—"swamping." Who talks of "swamping" now? The only idea now is to see how many persons we can enfranchise, to take care that they shall be as poor and ignorant as possible, to adopt, indeed, a principle like household suffrage—occupation of a house being, no doubt, in the abstract, some proof of respectability—but then to strain that principle until you do away with the respectability by bringing in the dregs of the house-occupying class to control the respectable householders. That seems to be the idea on which we are acting. Lamenting this as I do, I must beg the House to consider for a few moments what will follow. I never thanked the House more sincerely than I now do for their patience in listening to me. I am

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quite aware that I am arguing a beaten and a hopeless cause, and I feel very grateful, in the present advanced and progressive state of opinion on the subject, that hon. Members are willing to hear the voice of perhaps its solitary advocate. This cause, which was triumphant last year, is now lost and abandoned, "and who so poor as do it reverence?" You are going to transfer power mainly to the non-electors, who are more numerous than the present constituencies. Now, what do you know of the non-electors of this country? What are their politics? What are their views? What will be their influence for good or for evil upon our institutions? Last year my right hon. Friend the Member for South Lancashire wished to enfranchise skilled labour, the *élite* of the working class. That has dropped out of our discussions. Nobody talks of skilled labour. The object of this Bill, so far as I understand it, or except as it may be modified in some degree by the lodger franchise, is to enfranchise unskilled labour. We know what the politics of skilled labour are. I confess they are not much to my taste. Trade unions, mechanics' institutes, and the gregarious life which working men lead, have helped to form a school of opinion which I will not examine, because we have got past it. The question now is not what is the opinion of the *élite* of the working classes, but what is the opinion of the unskilled labour class. For instance, in the borough I represent you will, I rather think, give us some Wiltshire labourers with 8s. a week wages. Will any Gentleman favour me with a *précis* of the politics of these men? [*Laughter.*] But it is really no joke. You are handing over to new and untried persons the institutions of this country, and everything which is dear to us as Englishmen, and it is well that we should know something about them. The fact is, that the great mass of those you are going to enfranchise are people who have no politics at all. Their politics are yet to be learnt. It has not been worth anybody's while to teach them or to agitate them because they have had no vote, and they are unacquainted with even the rudiments of political instruction. You are about to take away the management of affairs from the upper and middle classes, who have managed affairs since the Reform Bill, as I think with some little success, and you are about to place it in the hands of people of whose politics you know nothing, for the best of all possible reasons—because they

do not know what their politics are themselves. But they will not be always without politics ; and what will they be ? What must be the politics of people who are struggling hard to keep themselves off the parish—whose every day is taken up with hard, unskilled labour, and who are always on the verge of pauperism ? With every disposition to speak favourably of them, their politics must take one form—socialism. What other aspect can politics bear in their eyes ? What can be their view of a state of society in which all the good things are given to others, and all the evil things are given to them ? They know nothing of the laws that regulate the distribution of wealth. They attribute to society the inequalities of society. Unless they are absolute angels, they will suppose that they are being treated with great harshness and great cruelty. What man will speak acceptably to them except the man who promises somehow or other to re-distribute the good things of this world more equally, so that the poor will get more, and the rich and powerful will get less ? Is it possible to suppose that any other language will be acceptable to them ? It would be idle to deceive ourselves. Once give them power, and the use they will make of it will be to try to remedy evils which no doubt grind them very sorely, and which, I suppose, we should all like to remedy if we could, but which most of us believe to be beyond the reach of legislation. Do you suppose that the working classes will not take any steps in this direction ? We are going to make a revolution, and on the Continent when a revolution is made (a thing of which we have no experience from 1688 till to-day) the first step is always to take the duties off spirituous liquors. That is the first flight which young freedom has always taken. “Why,” it will be said, “why should your beer, your sugar, your tea, and spirits be taxed when there are so many rich people who can pay these taxes perfectly well.” And will not all this come with the force of absolute conviction to the minds of these people ? “Why,” it will be said, “should the comforts and luxuries of the poor man be taxed ? Let the duties be taken off these things and put upon the rich. Where is the difficulty of imposing a graduated income tax ? Is it not monstrous that while you are paying £20,000,000 a year upon sugar, tea, spirits, tobacco, and so forth, here is a great nobleman with a house full of the most valuable pictures, plate, jewels, statuary

—all sorts of what the French call ‘dead values’—upon which he pays no tax at all ? Put a tax upon these things and relieve yourselves from the heavy taxes which you bear.” Do not you see that the first step after the enfranchisement of the unskilled labour class must necessarily be to turn indirect taxation into direct taxation, so assessed as to fall mainly upon the upper classes ? Are you so “soft” as to suppose that, when you have stripped yourselves of political power and transferred it to these people—and they have twenty times the motive to use it that you have, for their necessity is sorer and the stake to them greater—they will consider political questions fairly, and will not consider first of all how they can benefit themselves ? Of course they will. I have said you are now making a revolution in our institutions, and by revolution I mean this—All political institutions ought to be a more or less faithful reflex of the social state of a country. If political institutions reflect the social state of a country, they work steadily and smoothly, and there is no occasion or pretext for any great change. If they do not, there is a struggle on the part of the social to adapt itself to the political influence, or of the political to adapt itself to the social influence. Now, what are you doing here ? You are taking power from the classes at the top and are giving it to those at the bottom of the social scale. Political power will now be possessed by those who have little social influence—the least political power will be possessed by those who have the greatest social influence. Do you believe that arrangement will work smoothly ? How will the one adapt itself to the other ? Do not you believe that the political system will rule the social system and by degrees bring it down to its own level ? In this way you are laying the foundation for endless conflicts between the two influences—the results of which cannot be doubtful, for all history shows that the victory will remain with those who have political power. History affords no instance where political power has been given to the lower classes and taken back from them without civil war or violent convulsion. What you do now is absolutely irreversible ; and your repentance—bitter as I know it will be—will come too late. With what eyes will the class you are going to enfranchise look when they are told that £26,000,000 of taxation is raised

every year to pay the interest on the National Debt! Will they not say in the words of the petition which Mr. Duncombe presented twenty years ago, "We were not represented in the Parliaments which authorized those wars; we had no interest in the objects for which these wars were waged; we had nothing to gain by them; they were to put down French democracy or American Independence. What right have you to charge us with the cost of them?" This is the sort of question that will be agitated among them. You must expect a movement in favour of an inconvertible currency. In Queensland, one of our colonies, where a popular suffrage exists, the people were nearly murdering the House of Assembly the other day because they would not issue greenbacks without provision for redemption. Work being slack, the people thought that the Government ought to employ them, and that this was the way to raise capital to do it. These things seems to us unreasonable; but let us place ourselves in the position of these men, who are ignorant of the very accidence of politics, and when agitators set these things before them, is not this the way in which such matters must necessarily strike them? Let us not deceive ourselves—let us look the matter in the face—I say it must and will be so. Everywhere, again, where the lower classes get the upper hand, the spirit of protection arises. Look at America. There the working classes acquiesce in allowing the masters to have protective duties to any amount, and consumers are charged an enormous price for goods, in order that the masters may be able to offer higher wages. Not satisfied with this, the working men of America have come to the conclusion that their political influence can be turned to account in other ways, and you see by this morning's papers that in the State of Pennsylvania—and I believe the same attempt is being made in several other States—they have arbitrarily fixed the day's labour at eight hours. These are the directions in which these men's minds will be turned—these are things they feel and comprehend—and you have no right to be astonished that they act as they are sure to think.

No doubt hon. Gentlemen think there is a remedy for these evils. "Yes," they say, "it is very true, that if those people were all left to themselves that is what they would do; but, happily, there is such a thing as

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corruption." Well, Sir, I beg the Committee not to understand me as doubting for a single instant that you are going to lay the foundation for an amount of corruption such as this country has never seen before. I have no doubt about it. It cannot be otherwise. It is all very well to bring in a measure to put bribery down; but I cannot imagine a grosser hypocrisy than to introduce a Bill for the adoption of means to put an end to bribery and corruption side by side with a measure like that before the House. For how does corruption originate? Sometimes in a small borough a great millionaire comes down and debauches the whole constituency at once. But that is not the usual way. The municipal election corrupts the borough. It is in the small peddling corruption that prevails in the municipal elections that the disease is first engendered. It is a wonder that any person can descend to the petty ways and dirty tricks that prevail in them for the sake of such a small prize; but, unhappily, the instances are only too numerous. But why does corruption get head there? Because these municipal electors (that is, the portion of them who are not now Parliamentary electors) are needy and poor; and the small bribes that are going are great bribes to them. Now, the constituency that we are to have under this Bill is not exactly the municipal constituency, but in quality it is very near it—the two are much alike. And when you have so much corruption where there are only small paltry offices to be got, what do you expect to happen in a constituency which holds the patronage of the great prize—for such it is thought at present, and so it may continue to be thought for some time longer—of a seat in this House? Is it not ridiculous to shut our eyes to this great danger? Besides, by this Bill you give every man who pays his rates a vote, and thus you are raising up an entirely new class of corrupters. A person may hold in these places a considerable property in houses of a poor kind. We know the sort of people these small property owners frequently are—not a very agreeable class to deal with. They must be constantly distraining, constantly turning out poor and sick people, or their property becomes a loss. Such habits are not favourable to great nicety of feeling. Well, these people have hitherto been very much like everybody else—they have had but a single vote. But look on what

a pinnacle you are setting them now. A candidate comes down to canvass; the owner of this property goes to him and says, "I have thirty or forty votes which I can influence." The candidate replies that he is very happy to find so influential a person agreeing with him in political views, and he will be very much obliged for his influence. But the other says, "Stop; my own vote you can have; but what are you going to do for me for the other votes?" Depend upon it that either in meal or in malt these persons will have their consideration for whatever exertion they make in behalf of their candidates. But then it may be said, "We are going to make our constituencies so large that it will be impossible to bribe." I quite admit that you are going to make them very large—so large that they will be quite unmanageable—so large that it will be quite impossible to canvass or address them. Even the hon. Member for Birmingham would not be able to address the 36,000 decomposed householders whom he is now to get back from the Small Tenements Act. You cannot poll them; our machinery would break down. In America the ballot is retained—not that the people care for secrecy, but the ballot is the only way they can poll a very large constituency. Oh! you will, under this Bill, have the ballot, of course. I did not even trouble myself by caring to mention that as an argument to the House, the thing is too clear. But what you are not going to have is a cessation of bribery. However large the constituency, if the parties are nearly balanced a small number, whether fifty or 500, will hold the power in their hands, and will take care to be ready to turn the election at half past three o'clock on being properly paid for it. Besides this, there are many, as our municipal elections show, who make it a conscience not to vote for nothing. Bribery is every day making progress in America—though if large constituencies could prevent it it would be prevented there—and you must make up your minds if you pass this Bill that we are about to plunge into a sea of corruption—into a depth of expense that cannot be measured—a degradation both to Members and electors such as even our past experiences—and they are not small—can hardly enable us to realize. But hon. Gentlemen, perhaps, think that when they have bought the constituency they can do as they like;—they think that if they only pay enough, and gorge the people with

money, they will not be obliged to go into such questions as a graduated income tax, a property tax, an inconvertible currency, or to tampering with the National Debt. Never was there a greater mistake. Corruption is one of the means of getting a seat, but it is not the only means; besides paying the money you must swallow the whole shibboleth of faction;—you must not only sign the cheque, you must take the pledge, you must drink to its bitter and noxious dregs the cup of corruption and degradation. Corruption gets a man in, but it does not save him from the contamination and degradation of having to consult and conform himself to the opinions of the lowest portion of those whom he seeks to represent. The two things go on *pari passu*. He will have to bribe, but he will have to pledge too, let him bribe never so well. That is the way this House will be degraded. What has brought about this change we are now considering? What but election pledges thrown in—as hon. Gentlemen well know—in aid of a little money that has been spent, and to prevent the necessity of spending a great deal more. Gentlemen have pledged themselves into what they did not believe—into what they did not expect would ever become a reality. Just as all the world awoke one morning and found itself Arian, so the House awoke and found itself a Reformer, and pledged so deeply that it could not, or thought it could not, draw back. Men are by degrees dragged down; no matter how determined at first to avoid corruption, they will end in it; will swallow nauseous pledges; will bribe; will get in anyhow—even at the sacrifice of their principles and consistency. The men who will be sent here are not the educated and high-principled Gentlemen such as I now address—but men who will represent the passions and feelings of the lower part of these new constituencies. What, then, becomes of the high standard of the House of Commons—of the enviable and honourable position of a Member of this House, when its Members assemble here, not as men who have to consult for the interests of the whole country, not even as delegates of those whole constituencies, but to speak the language and obey the impulse of the poorest and the least informed among them. How can any one doubt that this is the beginning of a downward course, which will place the House of Commons in the position into which so many legislative assemblies before

them have descended? This country is great in respect of its capital, but still greater for its credit. Imagine anything in the proceedings of this House at all analogous to what we are familiar with as every-day occurrences in America. Imagine the House of Commons passing a Resolution on some American subject similar to those which Congress has passed, of sympathy with the Fenians. What would be the effect in Europe? Imagine such things as wild words spoken even by a minority of the House about the Debt, about shifting the incidence of taxation, removing it from labour and placing it upon capital. What would be the effect on our credit in our mercantile and industrial position? The distress that would be produced no one can conceive. The check it would give to the credit of the country is beyond imagination. And what remedy have we? We have nowhere to go to—no backwoods in which to found a new State out of the *débris* of the old one. We must endure our misfortune as, and where we are now, because the people who had occasioned this state of things by their own violence and folly would only see in that distress reason for more violence and folly. The very mischief they had produced they would attribute not to the true cause, their own folly and impatience, but rather to the obstinacy of society who refuses to aid them in what they would consider most reasonable demands. You are now tampering with a fabric of society infinitely delicate in its organization. It is like raising a tower up to an enormous height and expecting it will resist the tempest just like a building of a single story. See the evil and mischief of comparing the power of resistance possessed by our institutions with that of the institutions of America. As I have said on another occasion, the chief property of America is the gift of nature. It is fertile land, noble rivers, boundless extent of territory. But property in England is the work of art and of time. It has been piled up century after century by the industry of successive generations of Englishmen. The thing is artificial, it depends upon moral causes, upon a feeling of confidence and credit, and it may be overthrown in a far shorter period of time than anybody who has not given his attention to the subject would believe. We are paying now for one of our national peculiarities. We are not an imaginative people. When a matter of this kind is brought before us we add

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figure to figure—there we stop—we do not picture to ourselves how the institutions of this country and the present state of things are to fare in the tempest we are about to raise. With the state of things which I am describing what possibly can become of the House of Peers? How is it to act in harmony with the other House? Are you prepared for its abolition? Perhaps it is wiser that it should not continue—because when you have got a political state of things in direct antagonism with the social state of things, the best thing you can do is to bring them as far as possible into harmony with each other. And it will probably be done. I know, whatever other changes we may expect, that House can no longer hold its present relations to this House. Remember, I entreat you, the position you occupy. If this House were kept in such good order that it could not ask a question of the Government without the consent of several Committees—if it were not allowed to originate any measures or to make speeches on the Address; if it were not allowed to displace Ministers, while there was at the head of the Executive one who assumed all responsibility, and left the House and his Ministers none; if it were limited merely to criticizing Estimates which it did not understand and to passing measures which it could not resist; and if, besides, a system of centralization pervading the country, whose agents were to be found in every village and parish conducting everything, this Executive were backed by 400,000 armed men, I could imagine that you could change the whole basis of the franchise of the country without doing great or irreparable mischief. Or if side by side with the House of Commons there was a chamber also elective of co-ordinate or perhaps greater authority; if at the head of the Executive was a person elected for a short term of years by the people, and whom it had no power to remove; if it had no power of dismissing the Executive, but its privileges were limited to the making of laws and some few little matters of finance, and if there were, besides, in every county other representative bodies with powers very similar to its own; if it only exercised delegated powers such as it was not thought fit to intrust to the local assemblies—then I could understand that you might alter your franchise without fatal results. The mistake of those who have tried to copy our Constitution, is that they look upon Parliament merely as a

legislative assembly, and they are astonished that this institution, when they have got it, does not yield any of the results of the Constitution of England. I have said before that the Parliament of England is more than a legislative assembly; Parliament in the last resort is the Executive Government of this country. Not only does it create the Government for the time, but controls and displaces it at will. Whatever we think the qualification of the new House of Commons may be to make laws, what do you think of it with respect to the discharge of the difficult and delicate function of Executive Government? Why should it be able to do that which the Legislators of America have not intrusted to the Legislature? Why should it do what is not intrusted to the Legislature of France? Why are you expected—you who exercise that duty under circumstances so very different, when made like to them, to do what they cannot do?

There is a feeling among hon. Gentlemen opposite that something will be gained for party by their measure. They think that the middle classes have been uniformly hostile to them, and that something may be gained if they get to a lower class—that the one will counteract the other. I have faith in no such speculation. We have inaugurated a new era in English politics this Session, and depend upon it the new fashion will henceforth be the rule and not the exception. This Session we have not had what we before possessed—a party of attack and a party of resistance. We have instead two parties of competition, who, like Cleon and the Sausage-seller of Aristophanes, are both bidding for the support of Demos. Do not suppose this is the mere product of the Reform Bill, and that when you get a new Parliament this unwelcome symptom will disappear. This will be a permanent condition of things. It is the condition of things in America. There the old condition of things has vanished. You have now no Conservative party there—the very tradition of such a thing is forgotten. You have two parties candidates for popular favour, seeking to outbid each other. Each of them is willing to do anything in the world to secure popular favour—the only difficulty is to find out what the people want; and the difference between them is that one calculates well and the other makes mistakes and does not succeed in doing what the people desire. As to not immediately setting

themselves to do what the people desire, because what they desire is wrong or foolish, that never enters their heads. As to the working man, for instance—no sooner does he show a disposition to go very near socialism, than a party and a press immediately start up to advocate and develop his views. This is what we are coming to. Hon. Gentlemen may imagine that there will still be a party of Conservatives or Tories, and another of Whigs or Liberals—or, at all events, that their names will be preserved. But what is in a name? Will they be the parties they are now? Will they maintain the same things? On the contrary, will they not be entirely and totally altered? They will not be advocates of principles, but supplicants for popular favour. They will not even retain their names—the highway of American history is strewn with the skeletons of dead parties. There were the Federalists. It is a matter of antiquarian research now to know what a Federalist is. The Whigs! who knows what they are now? When I was in America ten years ago the Whig party was a great party, but it is now as extinct as the ichthyosaurus. Where are the Free-soilers? Who knows anything of the Know-nothings? These parties were raised up to gratify a momentary impulse of the popular mind, and when they had served the purpose that called them into being they ceased to be. You may see traces of their abject subjection to popular will in their very names. Party names are seldom particularly sensible; in the case of our own Whigs and Tories, one means a rebel and the other a robber, neither of which is as yet a true description. What is the difference in America between Democrats and Republicans? The fact is, the words have no specific meaning. It is an effort to give a name that may be popular with the people, and, at the same time, have as vague a meaning as possible. A Democrat mainly and generally is a Republican; a Republican generally a Democrat. Each has become absolutely meaningless as a distinction from the other, and neither expresses any definite idea.

Well, Sir, I think I have shown the Committee that we are taking a course of the very last and utmost importance. I have raised my feeble voice to arrest our downward course. Last year we succeeded in stopping what I believed to be the beginning of a change, the ultimate result of which I thought would be to land us ex-

actly where we are now. These sentiments were shared by almost every Gentleman opposite me. Where are they now? Where is that feeling of patriotism, of honour, which induces men when they have taken up a solemn and a great charge to cling to it, even if the worst comes to the worst more than to life itself? How are we to face our countrymen—how are we to face history, when it shall be recorded of us that the same Parliament in two consecutive years, without any violent change of public opinion, or reason for conversion, rejected a Bill with a £7 franchise, and then passed a Bill for household suffrage? I am not at all astonished that the fertile genius of the right hon. Gentleman who directs the party opposite should have devised this scheme. There is nothing new in it. These are the old tactics of an oligarchy allying itself with the lower section of the democracy. There is nothing to astonish us in that. It was so in the French Revolution, and it has been so over and over again in the annals of Greece. What I am surprised at even with fresh proofs of it accumulating daily before my eyes is, that you, the gentlemen of England—you with your ancestors behind you and your posterity before you—with your great estates, with your titles, with your honours, with your heavy stake in the well-being of this land, with an amount of material prosperity, happiness, dignity, and honour which you have enjoyed for the last 200 years, such as never before fell to the lot of any class in the world—that you wildly fling all these away without, as far as I can see, the shadow of an equivalent. Do you look for an equivalent in any personal good? Your own personal interests are diametrically opposed to the course you are pursuing. Is it for the good of the country? Have you so totally unlearned the simplest lessons of experience as to believe that it is by diving into the depths of ignorance and poverty you can find wisdom to manage the delicate and weighty affairs of this great Empire? Is it for honour? You are branding yourselves with a stigma from which your party will never escape while England has a name, and that name a history. I suppose we shall be told that we have only arrived at our manifest destiny, and that our present position is a justification of the old French proverb, “Man proposes and God disposes.” I suppose we shall be told by the Chancellor of the Exchequer and his party that they have pursued

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the unexampled course of destroying the very citadel they were set to watch over not, of their own will, but from the perverseness of destiny—

“Non tibi Tyndaridis facies invisa Lacænxæ,
Culpatúsve Paris; verùm inclementia Divùm
Has evertit opes, sternitque à culmine Trojam.”

That is the argument; but I am not a convert. I was taunted the other night by the hon. Member for the Elgin Burghs (Mr. Grant Duff) that the Fates and Destinies, at which I had scoffed, had been too strong for me. I have no fear of Fates or Destinies. What have been too strong for me are the shabbinesses, the narrownesses, the littlenesses, and the cowardices of people who prefer the smallest and most temporary private interest to the country and the Constitution. I took upon myself two years ago—only two years—to make a prophecy. I said that if we embarked on the course of democracy we should either ruin our party or our country. Sir, I was wrong, as prophets very often are. It is not a question of alternatives; we are going to ruin both.

Mr. HENLEY: The right hon. Gentleman (Mr. Lowe), at the beginning of his speech, told us that many hon. Members would do anything sooner than be sent back to their constituencies—that they would not be sent back because the last election was the most expensive and corrupt election that has ever been known; and therefore all that we have been told about possible corruption by an extension of the franchise is, after all, only a question of degree, if it be anything, and applies to all representative government. It is not my intention to go into questions of this kind. I want to state the reasons which have brought me to the conclusion that the proposition of the Government is not only a sound proposal, but I say to my Friends on this side of the House that it is the most Conservative that can be made. [“Oh!”] Allow me to state why. We cannot pretend that it is a matter of option with us whether we will undertake this question or not. We must look a little at the position in which this House and the country is placed. What has been done during the last fourteen years in reference to this question? Successive Governments, of almost every shade of opinion, have been putting into the Queen's mouth distinct declarations to the people that there ought to be an extension of the franchise. One Government, at least, of which the right hon. Gentleman

(Mr. Lowe) was a Member, did so, and I heard no dissent from him at the time, and no foreshadowing of all these dreadful consequences that he now seems to fear. Or if he foresaw all these consequences, how could he sit still holding office under that Government when the foundation was being laid for all this mischief? He will not pretend to say—nor will I—that those various Administrations brought those proposals forward dishonestly. I, for my part, cannot believe it. No doubt, circumstances may have hindered them from carrying them to a successful issue; but if they were honestly brought forward, what would be the feeling of the people if we were now to follow the advice of the right hon. Gentleman and do nothing? When such a state of things has been brought about—I will not say by whom—when we are placed in such a position of affairs, is it a more Conservative policy to endeavour to settle the question, or, if I may use the expression, to let the pot go on boiling till it overflows and brings us to a much worse state of things? But is that all? How did the matter stand last year? Why, in 1865 the hon. Member for Leeds (Mr. Baines) brought forward a Bill for dealing with the borough franchise, and how was that met by the right hon. Gentleman the Member for South Lancashire? We were told by the right hon. Gentleman that every man was entitled to the franchise who was not under some legal disability. The right hon. Gentleman shakes his head—if I have misrepresented him I am sorry—but that was the general impression which his remarks produced. And what followed then? Meetings were held in different places all over the country in which no mere reduction of the franchise was talked about, but in which manhood suffrage was insisted upon. That was the state of things we had to meet last Session—and what happened then? Why, a Bill was brought in, not merely reducing the figure, but doing away with all payment of rates. How was that Bill received? Meetings were held throughout the country, but did they assent to it? Far from it. They passed resolutions complimentary to the Government; but what was the language of those meetings—attended, I was going to say, by the right hon. Gentleman's lieutenants, the hon. Member for Birmingham and the hon. Member for Bradford. What was the result of those meetings? The opinion universally expressed at those meetings

was that they would accept it—how?—as an instalment. Well, having been brought to such a state of things, I believe no man in the House, except the right hon. Gentleman opposite (Mr. Lowe), would say that we could safely stand still. What, then, was to be done? Were you to take something which was defensible, and which everybody could understand—which everybody could plainly say aye or no to—or were you to take a mere line with regard to which no human being could decide whether a man was fit for the suffrage at £7 or £6, and whether he was unfit at £5? The varying values of property in different places will not allow you to lay down such a line. I believe the only mode, and therefore the Conservative mode, of stopping that which these public meetings have asked for is to take in all those who pay their share of the burdens of the State and let them have the privileges of citizenship. I will not go further into what have been the causes of the position in which we are placed; but I believe that if you had attempted to stand still the question would have gone on from agitation to agitation until it had introduced into the country a state of things which all of us would be sorry to see. I believe the ground that has been taken is the true Conservative ground; and for this reason—that it is the old ground of the Constitution. As for saying, "You ought to have done this," or "You ought to have done that"—why, during the whole of these fourteen years, when these various measures have been brought forward, what side of the House or what individuals in the House have ever attempted to move Amendments, or have even spoken in opposition to the Addresses which have been adopted in answer to those Royal Speeches? What does that amount to but an admission by Parliament that something ought to be done? and if something is necessary, I believe you can only meet those abstract questions which have been put forward—I will not say by whom—as to the right of every man to the franchise, irrespective of property, by the plan now proposed by Her Majesty's Government. Of course, changes of this sort must be attended with some feeling of anxiety—I should be the last man in the world to shut my eyes to that; but are we to stand still till the pot, as I have said, boils over? I think the consequences of that would be very serious, and that if we

are wise in time we shall have a much better chance of persons acting together for a common end, the benefit of the country, than we should be if we followed such advice as that of the right hon. Gentleman (Mr. Lowe), and kept steadily opposing these things until we actually almost forced people in the humbler classes to set themselves in antagonism to all other classes. I believe we have a much better chance of escaping that great evil by acting as we are now doing. When the Bill of the late Government was brought forward last year I opposed it on every ground, because after the declarations that had been made I could see in it no resting-place for my foot. Whether what we are now going to put our foot upon is as firm as a rock, I do not know; but it is, at all events, something, and it is, as I believe, the only ground on which we can stand in endeavouring to adhere to the principles of our old Constitution.

SIR RAINALD KNIGHTLEY thought the right hon. Member for Calne (Mr. Lowe) had paid the Chancellor of the Exchequer a very undeserved compliment in regard to his dexterity and the way in which he had managed the borough franchise. He thought the policy of the right hon. Gentleman had been such as not to deserve any such commendation. He thought the policy of the right hon. Gentleman had been that of catching whatever he could get. Let the House look at the course which he had taken with regard to the compound-householder. As the Bill was originally drawn the compound-householder was entirely excluded from the franchise unless he paid a double rate; and it was only after two or three nights' debate—after the speech of the right hon. Member for South Lancashire—that some light burst in upon the House; and they were then informed that there had been an entire mistake—that it was owing to a gross blunder of some unfortunate man, the draughtsman who had drawn the Bill; that such were never the intentions of the Government, and that the tenant would be able to repay himself by deducting a portion of his rent. That was the second phase of the compound-householder. But that did not meet the wishes of hon. Gentlemen opposite. The next proposal was that the landlord and not the tenant should pay the “fine”—that we should rob Peter for the sake of enabling Paul to obtain a vote. But the last change of all, which ended this event-

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ful history, was on Friday last. On that morning, hon. Members on the Conservative side of the House received the usual intimation from the Secretary to the Treasury earnestly requesting their attendance, as an Amendment of great importance was about to be proposed—an Amendment of vital importance. He would venture to say that every Gentleman who read that circular imagined that he was pressed to come down to the House for the purpose of opposing the Amendment of the hon. Member for Newark (Mr. Hodgkinson.) [“No, no!”] He believed that was the universal feeling on his own side of the House. During the discussion he retired for a short time; and on his return was perfectly astonished to hear that the Chancellor of the Exchequer had embraced the proposition of the hon. Member for Newark with joy and gratitude, stating that it was in perfect accordance with the conclusions to which the Government had originally arrived, and that it was also in perfect harmony with what he still had the assurance to call the principle of the Bill. On that occasion the right hon. Gentleman made the extraordinary proposal to the House that it should at once proceed from the 3rd clause to the 34th, for the express purpose of legislating for the phantom—the ghost of the compound-householder. Banquo's ghost had risen, to shake his gory locks at them. He was now glad to hear that the right hon. Gentleman no longer proposed to proceed with the 34th clause, and he hoped that as the compound-householder was to be got rid of he would be got rid of at once and for ever. They had now occupied, and he might say wasted, the time of the House for a long period. Every speech that had been made from March to the end of May had been so much wind entirely thrown away on the House.

MR. HUBBARD wished to interpose for a few minutes before the 3rd clause was definitively accepted. The 3rd clause was by far the most important portion of the whole Bill—it was in reality the Reform Bill. The measure of last year proposed to introduce some 200,000 or 300,000 new voters into the constituencies, whereas the present Bill would introduce some 700,000 new voters; for, under household suffrage, the number of new voters would be more than doubled. The House therefore ought not to pass the 3rd clause before they had before them all the Resolutions and Amendments bear-

ing on it, and especially not before they had carefully considered what would be the effect of the Amendment of the hon. Member for Stroud (Mr. Poulett Scrope). The hon. Member for Stroud proposed to exempt from liability to rates the owners or occupiers of dwelling-houses within Parliamentary boroughs of less rateable value than £4—such tenements being in the first instance on the register. To this proposed proviso he (Mr. Hubbard) had given notice of an Amendment to leave out “the rateable value of which shall be less than £4” in order to substitute “gross annual value of £5 5s. 0d.” This was not a hostile Amendment to the proviso of the hon. Member for Stroud, but only the same Motion in another form. The hon. Member excused from liability to the poor rate all tenants occupying houses rated at less than £4. He (Mr. Hubbard), on the other hand, interposed, and simply excused the same tenement in its aspect of annual rent, putting that rent at £5 5s. That would be equivalent to 2s. a week, and that was the lowest rent at which a decent tenement could be obtained by the unskilled working man. The effect of the hon. Member for Stroud’s Amendment, he believed, would be to minimise to about 200,000 the number of new voters who would be otherwise enfranchised. It was desirable that the House should have the opportunity of considering the Amendment of the hon. Member for Stroud before they gave their assent to the 3rd clause of the Bill. He could not conceive that there could be anything Conservative in descending to the very lowest grade of intellect and intelligence. It had been said that the House had already last year affirmed the principle of a franchise founded upon personal rating. He disputed that proposition entirely: and he could prove the converse of it by showing what were the opinions of the noble Lord the Member for Galway (Lord Dunkellin), who moved the Amendment last year, and of other hon. Members. The noble Lord the Member for Galway, in moving his Amendment to substitute the principle of a rating franchise for that of a net rental, said that—

“If he could persuade the Committee to admit the principle of a rating franchise, it would be the duty of the Committee itself afterwards to fix the figure at which the occupier should be rated. Speaking for himself, he freely owned that he did not think that £7 would be the proper figure to insert in the clause. He was himself prepared to consider a lower figure; and he thought it

would be more consistent with the principle of the Bill, and more in accordance with the wishes of those who were anxious to settle the question of Reform, that a lower figure should be adopted.” —[3 *Hansard*, clxxiv. 539-40.]

He (Mr. Hubbard) would ask if the noble Lord believed, in moving that Amendment, that he was paving the way to household suffrage merely backed by personal rating? The personal payment of rates was an indispensable condition of the existing franchise. The right hon. Member for Shoreham (Mr. Stephen Cave), who seconded the Amendment, said—

“He thought a £6 rating would be preferable to a £7 rental, not because, as had been said, the franchise would then be 5s. higher, but because the rating principle was the right one, and the municipal and Parliamentary franchise would thus be uniform. But he should not be candid did he not confess that he should prefer a £7 rating because it was higher. He did plead guilty to the opinion that the Government were reducing the borough franchise too low.” —[3 *Hansard*, clxxiv. 547.]

The right hon. Member for Oxfordshire (Mr. Henley), who had just now spoken so warmly in favour of the course proposed by the Government, said last year that—

“When the right hon. Gentleman objected to the local authorities fixing the amount of the franchise, he could only have stated that with a view of bewildering, because the simple question is, whether the rateable value column or the gross estimated value column is the better test of the value of a tenement. That is the only matter we have to deal with, and what amount of franchise should be added to that is a matter for after consideration, as is clearly understood on both sides of the House.”—[3 *Hansard*, clxxiv. 567.]

The division of last year expressed no opinion on the question of personal rating, and it left the question as to the extent to which the franchise should go to be settled afterwards. He believed that the effect of this measure, if carried out to its fullest extent, would be to degrade the constituency of the country. He therefore trusted that the House would adopt the proviso of the hon. Member for Stroud, or else his own Amendment to that proviso. If not, he should feel it his duty to vote against the 3rd clause.

MR. NEWDEGATE said, the right hon. Member for Calne (Mr. Lowe) had been severe upon Members on that (the Ministerial) side of the House; because, as he said, they had supported him last Session in opposing the Reform Bill, but had ceased to do so this Session. He (Mr. Newdegate) perfectly acknowledged that he voted last year with the right hon. Gentleman, but not in the sense in which

it now appeared the right hon. Gentleman was acting—that of opposing all Reform. He (Mr. Newdegate) had long thought it was necessary that this House should pass a Reform Bill, and he honestly voted for changes, that he thought would be improvements in the measure, introduced by the late Government. It was, in his opinion, extremely unfortunate that the right hon. Gentleman the late Chancellor of the Exchequer refused to accede to the desire of the House that the franchise should be based on rating. The House had decided in favour of that principle over and over again. He (Mr. Newdegate) honestly voted for a franchise based on rating and residence. The right hon. Gentleman the Member for Calne (Mr. Lowe) was not quite secure in his own position. The right hon. Gentleman lamented that the present Reform Bill proceeded so far as it did; but the right hon. Gentleman was a party to rejecting a Reform Bill of last Session, which, with certain changes, would have stopped far short of the point at which the House had now arrived. The right hon. Gentleman should not blame the Members on the Government side of the House for supporting principles which they firmly supported last year. It was perfectly true that he (Mr. Newdegate) had not desired to sweep away the £7 rental qualification, which the late Government proposed; and he was not sure that many Members of the House did not deeply lament that that proposal was now impracticable. But the matter had proceeded beyond that point. The truth was, that the Legislature had, during the last five-and-twenty years, been passing change upon change—constitutional change upon constitutional change—until they had gone nigh to reversing the principles of the Constitution as established in 1688; and hon. Gentlemen must not complain or be surprised if those attached to those great principles were determined to revert to the principles of representation, which existed anterior to that period, for the sake of giving the people of this country a more direct voice in their own Government, because they saw the principles abandoned which they believed essential alike to the safety and good government of the State, and to the freedom of the people. He knew that there were Members of that House who would return, if possible, to the measure of last year; and in many respects it would be most desirable that they should do so; for he thought that

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measure had been much undervalued. But the House had now adopted formally and decidedly the principle enunciated by the Attorney General of the late Government—namely, that of household suffrage for the boroughs, restricted only by rating and residence. A great step had been taken. The present Bill was a Reform Bill, indeed, as far as the borough franchise was concerned; and he thought it was the duty of the House so to adapt the rest of the measure as to make it conform to that very extended basis.

MR. BAILLIE COCHRANE said, he did not dispute, but, on the contrary, concurred in many of the observations which had fallen from his right hon. Friend opposite (Mr. Lowe.) No one, he was sure, in that House who considered the question of Reform at all could approach it without the greatest anxiety; and every one must feel that in adopting this Reform Bill, or any other which could be passed, they were, to a certain extent, taking a leap in the dark, and trying what was in the nature of a great experiment. So far, he agreed with his right hon. Friend. But when his right hon. Friend turned round and attacked the party, with which he (Mr. Baillie Cochrane) had the honour of acting, for bringing forward a measure of Reform, they had a right to refer to the past history of that question, and to look back a number of years to the conduct of those who now sat on the Opposition Benches when charged with the administration of public affairs, and who, he maintained, had brought about the necessity in which all parties were at present placed. The right hon. Gentleman the Member for South Lancashire and his Friends had long been associated with that question, not only in that House but out of it; and that right hon. Gentleman adverted, not longer ago than last Friday night, to those manifestations of public opinion which had taken place out of doors at meetings which he termed legitimate. Those meetings might be “legitimate” in the strict sense of the word; yet he could not but think it unwise on the part of the right hon. Gentleman ever to have connected himself with them as he had done. However, it was owing to the popular excitement out of doors, and to the fact that successive Governments had introduced Reform Bills, that the present Chancellor of the Exchequer and his Colleagues had been compelled to take the step they had now taken. For himself, from the first he had regretted

that the Government had thought it necessary to bring in the Reform Bill this Session. His own opinion, which he had never concealed, was that they might fairly have taken more time to consider the matter, and that there was not such a demand out of doors for a Reform Bill as necessitated the introduction of the present measure. That, however, was but his individual opinion, and he felt that he must defer to the view of the leaders of his party in that House. He did not believe that the public meetings which had been so often referred to at all represented the present feeling of the people in favour of a Reform. He did not believe that one-half or one-third of those who had taken part in them cared anything for Reform. But they knew well that public opinion was a manufacture—that they might go on month after month organizing these meetings and exciting the people until in the end they persuaded men who were perfectly happy and contented under the present system, that they could not be happy under it, and ought to be discontented. That might be carried on so long as ultimately to convert that which was originally a factitious into a real interest on the part of the people on the subject of Reform. As to the discussion which had arisen from the Chancellor of the Exchequer's acceptance on Friday of the Amendment of the hon. Member for Newark (Mr. Hodgkinson), it should be remembered that a few night ago the Scotch Reform Bill was introduced. On that occasion he had himself ventured to congratulate the House on a measure having been brought forward which based the franchise on the personal payment of rates, and which was acceptable to hon. Gentlemen on both sides, because there were no compound-householders in Scotland. It was then clear that, sooner or later, the same rule which was inevitable in Scotland would have to be applied to England; and, indeed, that opinion was expressed in the course of the discussion on the Scotch Bill. He had himself stated that he was not afraid of lowering the franchise in Scotland in the manner proposed, because in Scotland education was both higher and lower than in this country—that was to say, the education there was higher in quality, and also lower in the classes of the people to whom it was given. Therefore, although he certainly approached that question with some feeling of anxiety, yet he hoped that if, coincidentally with the in-

troduction of changes like these into England, effectual measures were taken to develop the intelligence and improve the education of the people, it would not be attended with the portentous results which his right hon. Friend opposite (Mr. Lowe) had shadowed forth that evening. Everybody must admit, and no one more freely than he did, that, whatever alarm might have existed about the Hyde Park meeting, the attitude and conduct of the people had lately been admirable. The right hon. Gentleman opposite (Mr. Lowe) said there were no such things as destiny and fate; but surely there were social tendencies and movements of events so strong as almost to amount to destiny. M. Guizot once declared, "Destiny stands before you, and is greater than you are." The House could not ignore the tendencies or disregard the necessities of the times, and he only trusted that the measure before them would have very different results from those suggested by the right hon. Gentleman, and that it might help to maintain and strengthen the institutions of the country. Great injustice had been done to the leading Members of the Government in connection with this subject. The antecedents of Lord Derby proved that he had strong sympathies with the people; and, as regarded the Chancellor of the Exchequer, from the year 1848 downwards, whatever the opinions of others might have been, that right hon. Gentleman had consistently maintained the principle that the question of Reform should be dealt with, and should be dealt with, moreover, by the Conservative party. He had now been twenty years a Member of the House of Commons. During all that time he had consistently acted with the Conservative party; but with regard to the attacks that had been made upon hon. Members who, like himself, had opposed the Bill of last year and now supported that of the Government, he would say it was impossible for every individual Member of a party to have his own way or to do any good if he did not to a great extent yield to the opinions of those who had better opportunities of knowledge and who formed the head of the party. And therefore under all the circumstances and looking to the position which the Government occupied, to the course pursued last year and for many previous years by Gentlemen opposite, and to the attempts which had been made to rouse agitation through the length and breadth of the land, he

felt he could not do otherwise than vote with his party in their endeavour to effect a settlement of this difficult question.

MR. BERESFORD HOPE, as the representative of a not inconsiderable borough, could not allow the clause to pass without expressing his belief that its only consequences could be the simple degradation of the suffrage. Its effect on the borough constituencies all over the country would be to assimilate them in the character of their representation to the metropolitan constituencies, which experience showed to be but uncertain mobs of men, whose fickleness was proverbial in the levity with which they not unfrequently turned out well-known and tried servants to replace them by other representatives holding identical opinions. With a widely enlarged suffrage the candidate would find himself less and less able to come face to face with his constituency, and would be compelled in consequence not only to rely more and more on the aid of the election agent, and, as in America, on that of committees and canvassers, whose mouth-piece and delegate he would have to make himself if he intended to succeed, but also to pledge himself deeper and deeper in dangerous and fallacious pledges to pander to the passions of the constituencies. While moderate and wide-minded men would find the door of public life shut upon them, the House would be filled with the apostles of every crotchet and every kind of fanaticism that disturbed the political and social atmosphere; men would be sent in as the advocates of particular ideas pledged to enforce them irrespective of the general welfare of the country, and thus good Government would be rendered impossible. That very day they had read in the papers how the Governor of the important State of Missouri had written a letter truckling to the labour riots of Chicago, in view of his own re-election. He begged the House to apply the moral of that anecdote. The factitious nature of the present crisis was not its least misfortune. Two years since very few men wanted a change, but greed for office on the part of the leaders, and cowardice in the Members, bred this cry for Reform, and it was the apprehension of a dissolution with which they had been dexterously crammed that prevented them now from declaring that a large constituency was not necessarily a good one, or that Reform consisted as much in purifying as in extending the electoral body. But those who had thus acted through fear

of a present dissolution, and still more of a dissolution two years hence, were guilty of immoral subserviency. ["No, no!"] Well, then, of moral subserviency to the cause of revolution. The hon. Member for Westminster had described the Toryism of the Chancellor of the Exchequer as democracy guided by the landed interest. Against this interpretation of Toryism—for Toryism was really the cause of property and intellect by whomsoever held against numbers, whether in the boroughs or the counties—he strongly protested; for wealth was as much represented by commerce as by land, and intellect did not inseparably go with acres. In the present fight he did not think the landed interest had fairly supported their brethren in the boroughs. Now, when the county franchise was coming under consideration the Members for counties would be looking to the Conservative representatives from the boroughs for assistance. He hoped they would not be disappointed, for although they might not personally have established much claim, yet for the sake of the country he should be sorry to see, without an effort at assistance, the landed interest passing under the same harrows and axes with which the representatives of the boroughs had been persecuted. He was alive to the fact of certain Conservative supporters of the landed interest imagining that it would be a good thing to bring down the county franchise under the belief that the agricultural labourer would always show himself inert and subservient. He considered this a most dangerous delusion. Wealth could not afford to rely upon the support of ignorance; the more ignorant, he would not say degraded, the serf might be on the days of his serfdom, the more abject his position, the more conceited and unmanageable he was when master of a little knowledge and a little power, and the more tiger-like he became when once his passions were roused. From the proposed degradation of the suffrage he foresaw most disastrous results. We might make sure from the example of Australia that free trade would soon be doomed, and the cry arise for protection of labour, against the employers at home no less than the foreign rival, would come next. Primogeniture, and that keystone of personal liberty, full freedom of bequest, would be dashed down by the fanatic admirers of the Code Napoleon. Then farewell to the old halls rising over the tall trees, and the spacious deer parks,

Mr. Baillie Cochrane

for the peasantry in their ignorance and cupidity would soon be set fancying that these broad acres would best serve their purpose if cut up into freehold allotments. All this, however, would be done in the name of Conservative Reform. It was painful to sever personal and party ties; but duty to the country, duty to the Constitution, whose obsequies they were celebrating, and respect for the grand old House of Commons which he mourned to see toppling into the dust, compelled him to protest earnestly against the degradation of the borough suffrage embodied in this clause.

MR. SCOURFIELD said, his experience in the House of Commons warned him against imitating his hon. Friend (Mr. B. Cochrane) in making prophecies, and he felt confident that the good sense of the people of England would neutralize many of the evils which the right hon. Gentleman the Member for Calne anticipated would follow from the adoption of the present measure. At the same time, the House ought to look in the face the consequences naturally and logically following from the clause. This had been altered so frequently that he felt some doubt as to its present character. It reminded him of Sir John Cutler's stocking, which had been so often darned that it was impossible to discern the original texture. He should have preferred two years' residence to one year's, because he believed that permanency was almost always evidence of respectability. A man might move about from one house to another merely from a love of novelty; but frequent changes of residence did raise the suspicion of disagreeable recollections connected with the proceedings on the part of landlords. As to the lodger franchise, it seemed to him opposed to the general principle upon which the Bill was founded. He had no doubt it would be the means of admitting a great number of respectable persons on the Parliamentary register, but he did doubt very much whether those persons when admitted to the franchise would vote. A most respectable witness told the Committee on the Corrupt Practices Act that although he had had the franchise for fourteen years he had never voted but once; and he added that none of the respectable tradesmen in his borough—a large metropolitan borough—voted at elections, for that the fact was that conscientious men refrained from voting when they found that they

were outnumbered by less scrupulous persons.

MR. SCHREIBER said, that upon a previous occasion he had stood alone in expressing an objection—though not alone in entertaining it—to the admission of a lodger franchise into the body of the clause; and he wished even now and once again to call the attention of the Committee to the form in which the clause was about to leave their hands. Never, he believed, was there exhibited a more sublime contempt of all the “unities” before—

“Turpiter atrum

Desinit in piscem mulier formosa superne.”

It began with rating and a principle, and ended with occupation and a figure. Personal objection to the “lodger” he had none. His objection was, and always must be, to his “lodging here.” It was elevating the principle of occupation into co-ordinate importance with that of rating; and while he was hugging himself in the belief that they were securely entrenching themselves behind the “old lines of the Constitution,” and within the four corners of the rate book, they destroyed their securities with their own hands.

“Dividimus muros et moenia pandimus urbis.”

He did not wish to revive the painful memories of the last Session, but he was forcibly reminded of that noble animal, the Trojan horse. His earnest hope then was, that in “another place,” when this Bill got there, the lodger might be embalmed in a clause of his own, somewhere a long way from the rating franchise, and in close proximity to the pecuniary and other special franchises. The section, as it stood, was pregnant with danger to the main principle of the clause, and its admission, he must always contend, entailed no small responsibility upon its author. As to the dangers of the impending change, so forcibly depicted by the right hon. Gentleman the Member for Calne (Mr. Lowe) in his able speech to-night, he really had no compassion for hon. and right hon. Gentlemen opposite, if they now begin to realize them. It was the old, old story—

“Evertere domos totas, optantibus ipsis,
Dî faciles.”

For fifteen years they had been praying for “Reform.” Indulgent Heaven, at last, had heard their prayer, and cursed them by granting it.

MR. POULETT SCROPE said, there

[Committee—Clause 3.]

was much in the speech of the right hon. Gentleman the Member for Calne in which he agreed; but he could not help regretting that it was throughout pervaded by a tone of considerable exaggeration. The right hon. Gentleman appeared to be opposed to any reduction of the borough franchise; and he (Mr. Scrope) concurred with him to this extent—that he thought that to grant the franchise to the lowest class of unskilled artizans would neither be for the interests of those persons themselves nor for that of the country at large. He hoped to have on a future occasion—probably on Thursday next—an opportunity of submitting to the Committee a proposal which would, he believed, afford the means of escaping from the difficulty. That proposal was, that the lowest class of householders should be exempted altogether from the payment of rates, and should, at the same time, not be entitled to the franchise. By a Parliamentary Paper issued this Session it appeared that the total number of voters under £10 would be 722,000, while the number above that figure would be 644,000. His proposal was to eliminate from those 722,000 the lowest class of householders. After this had been done, there would still be left considerably over 500,000 who could get their names placed on the register under the present Bill; and though he was perfectly aware that all who were entitled to claim the franchise would not do so, he maintained that even half that number, according to the proportion estimated by the hon. Member for Birmingham, would be as many as ought to be enfranchised at one time by any measure of Reform. It was impossible that the lower classes of householders—men who paid from 1s. to 1s. 6d. a week for their houses—could be capable of understanding the complicated questions which ought not to be at all difficult to those who were to elect Members to serve in Parliament. The proposal was perfectly consistent with the principle of the Bill, and with the Act of Elizabeth, and was not a new one, for he himself had brought it forward in 1850, when the Act which the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had characterized as “the device of Old Nick” was passed. The result of that Act had beyond question been to deteriorate the dwellings inhabited by the poor. A man who formerly occupied three rooms had to content himself with two, and those who occupied

Mr. Poulett Scrope

two had to be satisfied with one. Under the present system nothing could be worse or more demoralizing than the process a man had to go through in order to procure exemption from the payment of rates on the score of poverty. The man and his family had, of course, in such cases to dress themselves as poorly as possible, to keep their dwellings in as bad a condition as they could, and to make appeals to the parish authorities and to the magistrates—pretences which were ruinous to any feelings of independence, and tended to encourage an indifference to pauperism. His proposal was to lay down the general rule that no occupier of a house of or under the rateable value of £4 should be liable to be rated. In other directions there did not appear to be any objection to such an exemption. Incomes below £100 were not liable to income tax, nor was the house tax levied on houses below a certain value. The class for whom he desired exemption would not, he believed, regret the loss of their vote; but would, on the contrary, regard their non-liability to be rated as an excellent equivalent. It could not, in his opinion, be urged with any truth that the only effect of such a plan would be to put the money into the pockets of the landlords, because all experience had shown, not only that the burden of a tax fell upon the consumers, but also that when a reduction was made in any particular tax the consumer was the person who benefited. The result of the adoption of his proposal would, he believed, be that the poor would be enabled to obtain for the rent they now paid a larger and a better class of houses. No one, he thought, in the face of the fact that stock-in-trade was exempt from taxation, could maintain that those dwellings of the poor ought to contribute on the ground that all property ought to be taxed. The total number of houses in the boroughs under £4 was 304,000, and their rateable value did not amount to more than 3½ per cent of the rateable value of the whole of the houses rated. But, owing to exemptions on the ground of poverty and other causes, the actual amount collected bore a still smaller proportion, and did not, he believed, exceed 2 per cent of the total sum raised—a proportion so small that the sacrifice was nothing when compared to the benefit which would result from its adoption.

Clause, as amended, agreed to.

Clause 4 (Occupation Franchise for Voters in Counties).

MR. J. STUART MILL*: I rise, Sir, to propose an extension of the suffrage which can excite no party or class feeling in this House; which can give no umbrage to the keenest asserter of the claims either of property or of numbers; an extension which has not the smallest tendency to disturb what we have heard so much about lately, the balance of political power, which cannot afflict the most timid alarmist with revolutionary terrors, or offend the most jealous democrat as an infringement of popular rights, or a privilege granted to one class of society at the expense of another. There is nothing to distract our attention from the simple question, whether there is any adequate justification for continuing to exclude an entire half of the community, not only from admission, but from the capability of being ever admitted within the pale of the Constitution, though they may fulfil all the conditions legally and constitutionally sufficient in every case but theirs. Sir, within the limits of our Constitution this is a solitary case. There is no other example of an exclusion which is absolute. If the law denied a vote to all but the possessors of £5,000 a year, the poorest man in the nation might—and now and then would—acquire the suffrage; but neither birth, nor fortune, nor merit, nor exertion, nor intellect, nor even that great disposer of human affairs, accident, can ever enable any woman to have her voice counted in those national affairs which touch her and hers as nearly as any other person in the nation.

Nor, Sir, before going any further, allow me to say that a *prima facie* case is already made out. It is not just to make distinctions, in rights and privileges, without a positive reason. I do not mean that the electoral franchise, or any other public function, is an abstract right, and that to withhold it from any one, on sufficient grounds of expediency, is a personal wrong; it is a complete misunderstanding of the principle I maintain, to confound this with it; my argument is entirely one of expediency. But there are different orders of expediency; all expediences are not exactly on the same level; there is an important branch of expediency called justice; and justice, though it does not necessarily require that we should confer political functions on every one, does require that we should not, capriciously and

without cause, withhold from one what we give to another. As was most truly said by my right hon. Friend the Member for South Lancashire, in the most misunderstood and misrepresented speech I ever remember; to lay a ground for refusing the suffrage to any one, it is necessary to allege either personal unfitness or public danger. Now, can either of these be alleged in the present case? Can it be pretended that women who manage an estate or conduct a business—who pay rates and taxes, often to a large amount, and frequently from their own earnings—many of whom are responsible heads of families, and some of whom, in the capacity of schoolmistresses, teach much more than a great number of the male electors have ever learnt—are not capable of a function of which every male householder is capable? Or is it feared that if they were admitted to the suffrage they would revolutionize the State—would deprive us of any of our valued institutions, or that we should have worse laws, or be in any way whatever worse governed through the effect of their suffrages? No one, Sir, believes anything of the kind. And it is not only the general principles of justice that are infringed, or at least set aside, by the exclusion of women, merely as women, from any share in the representation; that exclusion is also repugnant to the particular principles of the British Constitution. It violates one of the oldest of our constitutional maxims—a doctrine dear to Reformers, and theoretically acknowledged by most Conservatives—that taxation and representation should be co-extensive. Do not women pay taxes? Does not every woman who is *sui juris* contribute exactly as much to the revenue as a man who has the same electoral qualification? If a stake in the country means anything, the owner of freehold or leasehold property has the same stake, whether it is owned by a man or a woman. There is evidence in our constitutional records that women have voted, in counties and in some boroughs, at former, though certainly distant, periods of our history. The House, however, will doubtless expect that I should not rest my case solely on the general principles either of justice or of the Constitution, but should produce what are called practical arguments. Now, there is one practical argument of great weight, which, I frankly confess, is entirely wanting in the case of women; they do not hold great meetings in the Parks, or de-

[Committee—Clause 4.]

monstrations at Islington. How far this omission may be considered to invalidate their claim, I will not undertake to decide; but other practical arguments, practical in the most restricted meaning of the term, are not wanting; and I am prepared to state them, if I may be permitted first to ask, what are the practical objections? The difficulty which most people feel on this subject is not a practical objection; there is nothing practical about it, it is a mere feeling—a feeling of strangeness; the proposal is so new; at least they think so, though this is a mistake; it is a very old proposal. Well, Sir, strangeness is a thing which wears off; some things were strange enough to many of us three months ago which are not at all so now; and many are strange now, which will not be strange to the same persons a few years hence, or even, perhaps, a few months. And as for novelty, we live in a world of novelties; the despotism of custom is on the wane; we are not now satisfied with knowing what a thing is, we ask whether it ought to be; and in this House at least, I am bound to believe that an appeal lies from custom to a higher tribunal, in which reason is judge. Now, the reasons which custom is in the habit of giving for itself on this subject are usually very brief. That, indeed, is one of my difficulties; it is not easy to refute an interjection; interjections, however, are the only arguments among those we usually hear on this subject, which it seems to me at all difficult to refute. The others mostly present themselves in such aphorisms as these:—Politics are not women's business, and would distract them from their proper duties; women do not desire the suffrage, but would rather be without it; women are sufficiently represented by the representation of their male relatives and connections; women have power enough already. I shall probably be thought to have done enough in the way of answering, if I answer all this; and it may, perhaps, instigate any hon. Gentleman who takes the trouble of replying to me, to produce something more recondite. Politics, it is said, are not a woman's business. Well, Sir, I rather think that politics are not a man's business either; unless he is one of the few who are selected and paid to devote their time to the public service, or is a Member of this or of the other House. The vast majority of male electors have each his own business which absorbs nearly the whole of his time; but I have

not heard that the few hours occupied, once in a few years, in attending at a polling-booth, even if we throw in the time spent in reading newspapers and political treatises, ever causes them to neglect their shops or their counting-houses. I have never understood that those who have votes are worse merchants, or worse lawyers, or worse physicians, or even worse clergymen than other people. One would almost suppose that the British Constitution denied a vote to every one who could not give the greater part of his time to politics; if this were the case we should have a very limited constituency. But allow me to ask, what is the meaning of political freedom? Is it anything but the control of those who do make their business of politics, by those who do not? Is it not the very essence of constitutional liberty, that men come from their looms and their forges to decide, and decide well, whether they are properly governed, and whom they will be governed by? And the nations which prize this privilege the most, and exercise it most fully, are invariably those who excel the most in the common concerns of life. The ordinary occupations of most women are, and are likely to remain, principally domestic; but the notion that these occupations are incompatible with the keenest interest in national affairs, and in all the great interests of humanity, is as utterly futile as the apprehension, once sincerely entertained, that artisans would desert their workshops and their factories if they were taught to read. I know there is an obscure feeling—a feeling which is ashamed to express itself openly—as if women had no right to care about anything, except how they may be the most useful and devoted servants of some man. But as I am convinced that there is not a single Member of this House, whose conscience accuses him of so mean a feeling, I may say without offence, that this claim to confiscate the whole existence of one half of the species for the supposed convenience of the other, appears to me, independently of its injustice, particularly silly. For who that has had ordinary experience of human affairs, and ordinary capacity of profiting by that experience, fancies that those do their own work best who understand nothing else? A man has lived to little purpose who has not learnt that without general mental cultivation, no particular work that requires understanding is ever done in the best manner. It

Mr. J. Stuart Mill

requires brains to use practical experience; and brains, even without practical experience, go further than any amount of practical experience without brains. But perhaps it is thought that the ordinary occupations of women are more antagonistic than those of men are to the comprehension of public affairs. It is thought, perhaps, that those who are principally charged with the moral education of the future generations of men, cannot be fit to form an opinion about the moral and educational interests of a people; and that those whose chief daily business is the judicious laying-out of money, so as to produce the greatest results with the smallest means, cannot possibly give any lessons to right hon. Gentlemen on the other side of the House or on this, who contrive to produce such singularly small results with such vast means. I feel a degree of confidence, Sir, on this subject, which I could not feel, if the political change, in itself not great or formidable, which I advocate, were not grounded, as beneficent and salutary political changes almost always are, upon a previous social change. The notion of a hard and fast line of separation between women's occupations and men's—of forbidding women to take interest in the things which interest men—belongs to a gone-by state of society which is receding further and further into the past. We talk of political revolutions, but we do not sufficiently attend to the fact that there has taken place around us a silent domestic revolution; women and men are, for the first time in history, really each other's companions. Our traditions respecting the proper relations between them have descended from a time when their lives were apart—when they were separate in their thoughts, because they were separate equally in their amusements and in their serious occupations. In former days a man passed his life among men; all his friendships, all his real intimacies, were with men; with men alone did he consult on any serious business; the wife was either a plaything, or an upper servant. All this, among the educated classes, is now changed. The man no longer gives his spare hours to violent outdoor exercises and boisterous conviviality with male associates; the two sexes now pass their lives together; the women of a man's family are his habitual society; the wife is his chief associate, his most confidential friend, and often his most trusted adviser. Now, does a man

wish to have for his nearest companion so closely linked with him, and whose wishes and preferences have so strong a claim on him, one whose thoughts are alien to those which occupy his own mind—one who can neither be a help, a comfort, nor a support, to his noblest feelings and purposes? Is this close and almost exclusive companionship compatible with women's being warned off all large subjects—being taught that they ought not to care for what it is men's duty to care for, and that to have any serious interests outside the household is stepping beyond their province? Is it good for a man to live in complete communion of thoughts and feelings with one who is studiously kept inferior to himself, whose earthly interests are forcibly confined within four walls, and who cultivates, as a grace of character, ignorance and indifference about the most inspiring subjects, those among which his highest duties are cast? Does any one suppose that this can happen without detriment to the man's own character? Sir, the time is now come when, unless women are raised to the level of men, men will be pulled down to theirs. The women of a man's family are either a stimulus and a support to his highest aspirations, or a drag upon them. You may keep them ignorant of politics, but you cannot prevent them from concerning themselves with the least respectable part of politics—its personalities; if they do not understand and cannot enter into the man's feelings of public duty, they do care about his personal interest, and that is the scale into which their weight will certainly be thrown. They will be an influence always at hand, co-operating with the man's selfish promptings, lying in wait for his moments of moral irresolution, and doubling the strength of every temptation. Even if they maintain a modest forbearance, the mere absence of their sympathy will hang a dead-weight on his moral energies, making him unwilling to make sacrifices which they will feel, and to forego social advantages and successes in which they would share, for objects which they cannot appreciate. Supposing him fortunate enough to escape any actual sacrifice of conscience, the indirect effect on the higher parts of his own character is still deplorable. Under an idle notion that the beauties of character of the two sexes are mutually incompatible, men are afraid of manly women; but those who have considered the nature and power of

social influences well know, that unless there are manly women, there will not much longer be manly men. When men and women are really companions, if women are frivolous, men will be frivolous; if women care for nothing but personal interest and idle vanities, men in general will care for little else; the two sexes must now rise or sink together. It may be said that women may take interest in great public questions without having votes; they may, certainly; but how many of them will? Education and society have exhausted their power in inculcating on women that their proper rule of conduct is what society expects from them; and the denial of the vote is a proclamation intelligible to every one, that whatever else society may expect, it does not expect that they should concern themselves with public interests. Why, the whole of a girl's thoughts and feelings are toned down by it from her school-days; she does not take the interest even in national history which her brothers do, because it is to be no business of hers when she grows up. If there are women—and now happily there are many—who do interest themselves in these subjects, and do study them, it is because the force within is strong enough to bear up against the worst kind of discouragement, that which acts not by interposing obstacles, which may be struggled against, but by deadening the spirit which faces and conquers obstacles. We are told, Sir, that women do not wish for the suffrage. If the fact were so, it would only prove that all women are still under this deadening influence; that the opiate still benumbs their mind and conscience. But great numbers of women do desire the suffrage, and have asked for it by petitions to this House. How do we know how many more thousands there may be who have not asked for what they do not hope to get; or for fear of what may be thought of them by men, or by other women; or from the feeling, so sedulously cultivated in them by their education—aversion to make themselves conspicuous? Men must have a rare power of self-delusion, if they suppose that leading questions put to the ladies of their family or of their acquaintance will elicit their real sentiments, or will be answered with complete sincerity by one woman in 10,000. No one is so well schooled as most women are in making a virtue of necessity; it costs little to disclaim caring for what is not offered; and frank-

ness in the expression of sentiments which may be displeasing and may be thought uncomplimentary to their nearest connections, is not one of the virtues which a woman's education tends to cultivate, and is, moreover, a virtue attended with sufficient risk, to induce prudent women usually to reserve its exercise for cases in which there is a nearer and a more personal interest at stake. However this may be, those who do not care for the suffrage will not use it; either they will not register, or if they do, they will vote as their male relatives advise—by which, as the advantage will probably be about equally shared among all classes, no harm will be done. Those, be they few or many, who do value the privilege, will exercise it, and will receive that stimulus to their faculties, and that widening and liberalizing influence over their feelings and sympathies, which the suffrage seldom fails to produce on those who are admitted to it. Meanwhile an unworthy stigma would be removed from the whole sex. The law would cease to declare them incapable of serious things; would cease to proclaim that their opinions and wishes are unworthy of regard, on things which concern them equally with men, and on many things which concern them much more than men. They would no longer be classed with children, idiots, and lunatics, as incapable of taking care of either themselves or others, and needing that everything should be done for them, without asking their consent. If only one woman in 20,000 used the suffrage, to be declared capable of it would be a boon to all women. Even that theoretical enfranchisement would remove a weight from the expansion of their faculties, the real mischief of which is much greater than the apparent. Then it is said, that women do not need direct power, having so much indirect, through their influence over their male relatives and connections. I should like to carry this argument a little further. Rich people have a great deal of indirect influence. Is this a reason for refusing them votes? Does any one propose a rating qualification the wrong way, or bring in a Reform Bill to disfranchise all who live in a £500 house, or pay £100 a year indirect taxes? Unless this rule for distributing the franchise is to be reserved for the exclusive benefit of women, it would follow that persons of more than a certain fortune should be allowed to bribe, but should not be allowed to vote.

Sir, it is true that women have great power. It is part of my case that they have great power; but they have it under the worst possible conditions because it is indirect, and therefore irresponsible. I want to make this great power a responsible power. I want to make the woman feel her conscience interested in its honest exercise. I want her to feel that it is not given to her as a mere means of personal ascendancy. I want to make her influence work by a manly interchange of opinion, and not by cajolery. I want to awaken in her the political point of honour. Many a woman already influences greatly the political conduct of the men connected with her, and sometimes, by force of will, actually governs it; but she is never supposed to have anything to do with it; the man whom she influences, and perhaps misleads, is alone responsible; her power is like the back-stairs influence of a favourite. Sir, I demand that all who exercise power should have the burden laid on them of knowing something about the things they have power over. With the acknowledged right to a voice, would come a sense of the corresponding duty. Women are not usually inferior in tenderness of conscience to men. Make the woman a moral agent in these matters; show that you expect from her a political conscience; and when she has learnt to understand the transcendent importance of these things, she will know why it is wrong to sacrifice political convictions to personal interest or vanity; she will understand that political integrity is not a foolish personal crotchet, which a man is bound, for the sake of his family, to give up, but a solemn duty; and the men whom she can influence will be better men in all public matters, and not, as they often are now, worse men by the whole amount of her influence. But at least, it will be said, women do not suffer any practical inconvenience, as women, by not having a vote. The interests of all women are safe in the hands of their fathers, husbands, and brothers, who have the same interest with them, and not only know, far better than they do, what is good for them, but care much more for them than they care for themselves. Sir, this is exactly what is said of all unrepresented classes. The operatives, for instance; are they not virtually represented by the representation of their employers? Are not the interest of the employers and that of the employed, when properly understood, the same? To in-

sinuate the contrary, is it not the horrible crime of setting class against class? Is not the farmer equally interested with the labourer in the prosperity of agriculture—the cotton manufacturer equally with his workmen in the high price of calicoes? Are they not both interested alike in taking off taxes? And, generally, have not employers and employed a common interest against all outsiders, just as husband and wife have against all outside the family? And what is more, are not all employers good, kind, benevolent men, who love their workpeople, and always desire to do what is most for their good? All these assertions are as true, and as much to the purpose, as the corresponding assertions respecting men and women. Sir, we do not live in Arcadia, but, as we were lately reminded, *in face Romuli*: and in that region workmen need other protection than that of their employers, and women other protection than that of their men. I should like to have a Return laid before this House of the number of women who are annually beaten to death, kicked to death, or trampled to death by their male protectors; and, in an opposite column, the amount of the sentences passed in those cases in which the dastardly criminals did not get off altogether. I should also like to have, in a third column, the amount of property, the unlawful taking of which was, at the same sessions or assizes, by the same judge, thought worthy of the same amount of punishment. We should then have an arithmetical estimate of the value set by a male legislature and male tribunals on the murder of a woman, often by torture continued through years, which, if there is any shame in us, would make us hang our heads. Sir, before it is affirmed that women do not suffer in their interests, as women, by the denial of a vote, it should be considered whether women have no grievances; whether the laws, and those practices which laws can reach, are in every way as favourable to women as to men. Now, how stands the fact? In the matter of education, for instance. We continually hear that the most important part of national education is that of mothers, because they educate the future men. Is this importance really attached to it? Are there many fathers who care as much, or are willing to expend as much, for the education of their daughters as of their sons? Where are the Universities, where the high schools, or the schools of any high description, for them? If it

A Scotch text writer had observed how singular it was that when a man took a woman to the altar he said, "With all my worldly goods I thee endow," whereas he took from her everything she had, and did not give her a farthing. If an hon. Gentleman gave his wife a diamond necklace, he might take it from her the next day; but, on the other hand, if an hon. Gentleman married a widow with ten children he had to support every one of them. It was true that, by means of trustees, you could, through the intervention of the Court of Chancery, give some protection to the property of a married woman. With that exception, the law of the land at the present day had deliberately settled that the wife should be absolutely and entirely under the control of the husband, not only in respect of her property, but of her personal movements. For example, a married woman might not "gad about," and if she did her husband was entitled to lock her up; some held that he might beat her. He had his doubts about that, and if his advice were asked, as a lawyer, he would say do not do it:—but undoubtedly the husband had entire dominion over the person and property of his wife. He thought, then, it was clear that votes could not be given to married women consistently with the rules of law as regarded property and the husband's dominion over the wife's movements. Then how would it be in the matter of voting? In the course of his canvass, which was still vividly in his recollection, he often canvassed the wives of voters. And he generally found that the female persons were "blue." It was their usual reply—"Oh, I am blue; but my husband votes yellow." Sometimes, he admitted, it was the other way. How did the hon. Gentleman propose to deal with these differences of opinion between the head of the family and her whom the poet called "the lesser man?" He pointed out this as showing the difficulties that would exist in the way of women exercising their right of voting in opposition to their husbands. He did not wish to pursue this subject farther; but he believed that the farther they did refer to it the more would they be met with the difficulties of the subject. As to the question of expediency, the hon. Gentleman in his works thought that advantage would arise from giving the suffrage to women, because among other things it would promote logical

Mr. Karslake

discussion between the man and his wife. In other words, hon. Members would have spent their Sunday evenings during the last six weeks in discussing with their wives the question of the compound-householder. He believed that the "unerring instinct" not only of the House of Commons, but of men themselves, would be utterly opposed to this innovation. It was absurd to suppose that a woman when she obtained the franchise would, as the hon. Gentleman suggested, be better able to protect herself against the brutality of man. Man must be "unbrutalized," if he might use the expression, by some other means than those proposed by the hon. Member. He (Mr. Karslake) trusted that the improvement in the social condition of man which the present Bill intended to effect would go far to prevent much of that brutality which unhappily existed. They no doubt wanted to make man better than he was, but certainly not by altering the condition of women. He thought that the hon. Member for Westminster would do well if he imported into this sort of question not so much political economy, and a little more common sense. He (Mr. Karslake) was sure that he had always heard the hon. Gentleman's words with respect, and perused his writings with delight; but in this sort of every-day question, upon which every one was capable of forming an opinion, he must say he thought that the hon. Gentleman was too much inclined to introduce the strains of political economy into the matter. The hon. Member reminded him of a character, one of the best to be found in Mr. Dickens' works, who button-holed every man he met and asked, "What are we to do with our raw material in exchange for our drain of gold?" He (Mr. Karslake) must certainly congratulate the hon. Member upon the temperate terms in which he introduced this question to their notice. He was, however, surprised to hear the hon. Gentlemen the other day tell the Gentlemen who sat upon his (Mr. Karslake's) side of the House that their weapon was their pocket. Now, he believed that there never was a more unfair or groundless observation. Such language as that had been described by one of the closest reasoners on the Opposition side of the House as "stump oratory." He certainly expected from the hon. Member for Westminster reasoning of a much more logical kind than any he had as yet used in respect to this question. He thought

that the Committee would come to the opinion that the hon. Gentleman was wrong in his first principles. In one of his very able works the hon. Member had laid it down that there was no greater difference between a woman and a man than there was between two human beings, one with red hair and one with black, or one with a fair skin and the other with a dark one. He (Mr. Karlake) humbly begged to differ from him, for while he believed that a man qualified to possess the franchise would be ennobled by its possession, woman, in his humble opinion, would be almost debased or degraded by it. She would be in danger of losing those admirable attributes of her sex—namely, her gentleness, her affection, and her domesticity. The hon. Member for Westminster, as a scholar, would recollect the words of a great man who, flourished about 500 years before Christ, who, like the noble Earl at the head of the Cabinet, was the great leader, the first orator and statesman of the day. That distinguished individual said, in speaking of women—

“Let them not struggle to rise above their natural condition which has been assigned to them by Providence; let them desire to fly from the breath of praise almost as much as from the breath of censure.”

As not a lady in Essex had asked him to support the proposition in favour of a female franchise, and believing that the women in other parts of England were equally indifferent on the subject, he came to the conclusion that the women of this country would prefer to remain as they were, being content with the happy homes and advantages they now possessed, even with the disabilities referred to by Chief Justice Blackstone. [“Oh!”] He inferred from that exclamation that the hon. and learned Member for Tiverton was in favour of giving the franchise to “female” persons; but he wished to observe that he concurred in the observation of Blackstone, who had said that the very disabilities to which women were subject, taken on the whole, showed how great a favourite was the female sex to the laws of England.

MR. DENMAN said, that the hon. and learned Gentleman, not finding anything in his English law books to support his view, had been poring over learned Scotch books in which he found a great deal on the subject of “gadding about.” [MR. KARSLAKE: I quoted an observation of Justice Coleridge.] A great portion of the hon. and learned Gentleman’s speech was

taken up by the discussion of a matter that was really not before the Committee—namely, whether married women should have votes. His hon. and learned Friend had pointed to him (Mr. Denman) as being a strong advocate for female suffrage. Now, it so happened that when he came down to the House that evening he had not made up his mind upon the question: he had never expressed an opinion one way or the other, but he was prepared candidly to listen to the arguments that might be used on both sides. In his present state of mind he must certainly say that, unless he heard something more in the nature of argument against the proposal of the hon. Member for Westminster, he should be compelled to follow that hon. Gentleman into the lobby. About four or five weeks ago, when he first read the draft of this Bill, it struck him, as a lawyer, that it was more than doubtful whether as it stood it did not confer the suffrage upon women. Under those circumstances he did not think it was unbecoming of him to have asked the Chancellor of the Exchequer, who he had heard had expressed an opinion that there was no real argument to be used against female suffrage, whether it was the intention of the Government to give the suffrage to women. The right hon. Gentleman replied to him by saying that if he had read the Bill a little more carefully he would find that the Bill had no such effect. He would, however, venture to ask the Attorney and Solicitor General whether, as lawyers, they were confident that the Bill as it stood would not confer the suffrage on women. The first clause of the Bill provided that every “man” under such and such conditions should be entitled to be registered. Now, in an Act passed since the Reform Act it was declared that all words importing the masculine gender should be deemed to include females, unless it was specifically stated to the contrary. In the first Reform Act the word “man” did not occur, but the words “male persons” were used instead. He desired to know why a different term had been used in the present Bill. In the 5th clause of the Bill he found something which strongly corroborated his view, because after saying that every man should be entitled to be registered who was a graduate or associate of arts, it proceeded to say “or a male person who has passed at any senior middle-class examination,” &c. He believed if

the Court of Queen's Bench had to decide to-morrow on the construction of these clauses they would be constrained to hold that they conferred the suffrage upon female persons as well as males. In one of the colonies of Australia by the use of the word "person" accidentally inserted in an Act of the Legislature, the female suffrage was given. Subsequently it was said to have been found that such an advantage had arisen from its operation that they declined to alter it, not wishing to get rid of it. He protested against the mode in which his question to the Chancellor of the Exchequer upon this point had been answered. The right hon. Gentleman in his reply, evading the question which was asked as to the intentions of the Government, merely got up a laugh against a private Member, whose feelings were as much entitled to be consulted as those of any right hon. Gentleman on the Treasury Bench. If he (Mr. Denman) remained in the state of mind in which he was left by the two first speakers upon this question, he should certainly follow the hon. Member for Westminster into the lobby.

MR. FAWCETT said, he was extremely sorry to detain the Committee; but this was a question which he had thought upon for years, and there was no subject connected with the representation of the people with regard to which he had a more decided or more earnest opinion. Possibly he might have come to that opinion because he had always looked up to the hon. Member for Westminster as his teacher, and from him he had learnt all his lessons of political life. Certainly, he thought that of all the arguments the hon. Member had ever brought forward, there was no case to which he had supplied more conclusive reasoning than that to which the Committee had listened that evening. What was the reasoning of the hon. and learned Member for Colchester (Mr. Karslake)? The hon. and learned Gentleman said that the ladies of Essex had not intrusted him with a single petition nor written a single letter to him in favour of women suffrage. Now, if the hon. and learned Gentleman had said in his canvass as much as he had said to-night upon the subject of women, he (Mr. Fawcett) must say he thought that the ladies of Essex had exercised a sound judgment in not intrusting him with their letters. He once heard a remarkable speech made by a Gentleman, in which he said there was too

much political economy, and being unable to get a distinct answer from him what he meant by it, he pressed him for a definition. The gentleman hemmed and hummed, and said, "Why, too much political economy;" and that if he could not understand what he meant by political economy, there was no use making any further remark; and if the hon. and learned Gentleman the Member for Colchester was pressed to point out in what part of the hon. Member for Westminster's speech there was too much political economy, and not enough common sense, he would be reduced to the straits of the Friend he (Mr. Fawcett) had mentioned. The hon. and learned Member for Colchester said, that if they conferred the franchise on a single woman they conferred on her a precious privilege. That was conclusive on their side; but ought they to constitute themselves judges, and say they should not enjoy what they so much valued? The hon. and learned Member also went on to state that after women had enjoyed the privilege for two or three years they would value it so highly that they would not relinquish it for marriage. But was he to decide whether it was a good thing or not for women to marry? Surely he might leave that question for women to decide. The whole of the hon. and learned Member's speech was based on the fallacy that man possessed a superior kind of wisdom, which enabled him to decide what was best for the other half of the human race. There had not been an argument advanced in any speech made by Mr. Beales, or had been put forth in the most extreme programme of the Reform League, in favour of a wide extension of the franchise, but what equally applied to conferring it on women. They urged that taxation and representation should go together. Now, women paid taxes as well as men, and the argument that the franchise should be given to working men, in order that their particular interests might be represented, applied with equal force to women. The hon. Member for Westminster had exhausted that part of the subject, and had shown that there were no laws on the statute book which so much demanded immediate attention as those which referred to the condition of women, and surely it was as fair, right, just, and politic that before Parliament undertook legislation for women they should give them representatives in that House, as that they should give them to working men. It had been contended

that if women took an interest in political matters it would very much deteriorate from their character; but he challenged hon. Members to prove that those women of their acquaintance who interested themselves in politics lost any of those qualities which entitled them to the admiration of the world any more than those who cared nothing about politics. It did not prevent them from performing all those social and domestic duties which it was their peculiar right and duty to perform. The most illustrious Lady of the land had as many political duties to perform as a Cabinet Minister; and was it not proverbial the admirable manner in which she discharged her social duties herself? Experience justified him in saying that if they gave women the same opportunity as they did men it would by no means tend to destroy their character, but to make them in intellectual power equal to men, and to strengthen all those qualities which were most valuable in them. Three years ago a proposition was made in Cambridge University to extend the middle-class examination to girls; but it met with considerable opposition on the ground that it would ruin the character of girls, and that it would destroy all their softness, and make them hard. After a severe contest the proposition to try it for three years was carried by a majority of 5. Those three years had just expired and the experiment had been perfectly successful. Its most bitter opponents were now so convinced of its success that they had not a word to say against its continuance, and it had been permanently established with the unanimous assent of the University authorities. That showed the growth of opinion upon this subject, and it convinced him that if they were unsuccessful that night they would be successful before ten years had passed away. A Member of the University of Cambridge had written to him, begging of him to entreat the hon. Member for Westminster to proceed with his Motion, being convinced from what he had experienced in the middle-class examination that women were capable of exercising the franchise. The girls who had been examined showed themselves quite equal to the boys in Greek, Latin, mathematics, and all intellectual studies, and while it was admitted that they had evinced equal capacity, they were also declared to have done their part more steadily and in a more business manner.

The speech of the hon. Member for Westminster would have a great effect on the country, for it had brought the question out of the region of ridicule. Of course, they must expect to hear the question being pushed to its logical conclusion, and they would be asked if they proposed to extend the franchise to married women. That was not the question now before the Committee; and although he was not bound to express an opinion upon it, yet he had no hesitation in saying that he would undoubtedly confer the suffrage also upon married women. In his opinion it would create less discord than religious differences. Yet they passed no law to say that a man and woman with different religious views should not be married. There had not been a single argument used in favour of the extension of the suffrage that did not apply with equal force to women who were qualified by their position, the amount of taxation they paid, the interest they took in the welfare of the country, and whose intelligence was on an average with men, to exercise the franchise, and, sooner or later, it would be granted to them by that House.

MR. LAING thanked the hon. Member for Westminster for the pleasant interlude he had interposed to the grave and somewhat sombre discussions on the subject of Reform, in which the Committee had hitherto been engaged. The hon. Member for Westminster had referred in very feeling terms to the wickets which he had spoken of as having been shut by the male against the fair sex; and he wished to ask him whether among those wickets he included those which closed the entrance to that House? Because the logical inference from the argument of the hon. Member was that if women ought to be allowed to elect representatives they ought to be eligible to seats in the House of Commons. Indeed, he had said as much, for he had pointed to the office of Chancellor of the Exchequer as one which could not be better filled than by a person whose life was spent in obtaining the greatest results from the smallest possible pecuniary means. But there were a great many practical considerations to be taken into account before the hon. Gentleman's views could be carried out to that extent. The Committee would recollect that there had been a discussion a few nights before as to the number of cubic feet which should be required to constitute a dwelling-house in the case of the compound-householder,

and space must undoubtedly form a very material element in any scheme which might be devised for giving women a place in the deliberations of the Legislature. The question of rating, too, would have a very important bearing in determining whether the suffrage should be conferred upon them, for, if he was not mistaken, it entered very largely into the intercourse of a certain Mr. and Mrs. Caudle, who were some years ago so humorously described in the pages of a well-known periodical. But, to speak seriously on the subject, it would, he thought, be well in dealing with it to reflect for a moment how small a part mere logic played in political and social life. The instinct, he felt assured, of nine men out of ten—nay, of nine women out of ten—was opposed to the proposal which had been laid before the Committee by the hon. Member for Westminster with so much force and acumen, and although they might not be able to give a single argument for their opinion he would back their instinct against the logic of the hon. Member. The most narrow of all possible views to take of the question was, he contended, to look upon women as being a sort of half-developed men, whose rights were to be made dependent on such things as rating and voting and the like, and who was held to be kept in a position of humiliation if she was not assimilated in every respect to the male half of creation. The real standard of the true career for human beings, whether male or female, to pursue in search of happiness was that ideal pattern of perfection which was in the mind of the Creator when He called both man and woman into existence. Taking that standard of ideal perfection in the case of woman, he would ask whether it had any relation whatsoever to their having a voice in the election of Members of Parliament? Between the two sexes it was abundantly evident that Nature had drawn clear lines of distinction. There were certain things which women could do better than men, and others which they could not do so well. In all that required rough, rude, practical force, stability of character, and intellect, man was superior: whereas in all those relations of life that demanded mildness, softness of character, and amiability, women far excelled. He would appeal in support of the view which he took from the political economists to those who were higher authorities in such matters—the poets. How did that poet

Mr. Laing

who was admitted on all hands to have held most truly the mirror up to nature represent ideal women? Who could fancy the Julias, Ophelias, and Desdemonas, who were surrounded with so great a charm in his pages, as interesting themselves in and voting at municipal or Parliamentary elections? Which was the most likely to figure in the character of a ratepayer and elector—the gentle Cordelia or the hateful and unattractive Goneril or Regan? He did not wish to pursue the question further, but at the bottom of it lay, he firmly believed, the distinction which he had endeavoured to point out. With regard to the law of property as it affected married women he would admit that in those cases in which that law bore hardly on the female sex it was a matter well worthy of consideration how it should be revised and placed upon a footing more in accordance with the civilization of the age. The contests of political life, and the rude and rough work which men had so often to go through, were not, however, he thought, suited to the nature of woman, and, unless he was greatly mistaken, the majority of women themselves were of that opinion. The question, he would add, was not one of a purely speculative character. There was one country in which women took a leading part in the concerns of active life, in which they were regarded as constituting the safety and ornament of the Throne, and monopolized the rewards of the Court—even those which were the most seductive of all—the rewards of military virtue and honour. That Court was the Court of Dahomey. Now, he must confess he had no wish to see the institutions of Dahomey imported into our own happy land; in other words, he hoped the day was far distant when our women should become masculine and our men effeminate. The maxim *propria quæ maribus* had remained fixed in his mind ever since in early youth it had been installed into it under the influence of the birch, and he could not help thinking that it was more fitting that men should retain what was proper to men, and the women retain all the privileges that could becomingly be conceded to women.

SIR GEORGE BOWYER expressed a hope that the right hon. Member for South Lancashire, who some time ago laid it down as a principle that everybody was entitled, in the absence of some special disqualification, to exercise the franchise [MR. GLADSTONE: No, no!], would inform

the Committee how far he would apply that principle to the case under discussion. He (Sir George Bowyer) also believed that provided a person possessed the requisite qualification laid down by the law, *prima facie* that person had a right to the vote, unless it could be shown that some disqualification attached to him. Was there any reason for excluding women from the franchise? He thought that no such reason existed, and that the claim of women to the suffrage could not be answered logically. This country was governed by our Sovereign Lady the Queen; and in other countries there were or had been female Monarchs, among whom, indeed, on the page of history, was to be found a larger proportion of great and distinguished Sovereigns than among male rulers. Women, moreover, were qualified for churchwardens and for other parochial offices. He was no advocate for strong-minded women; but he believed they might exercise the suffrage without abrogating those qualities which specially adorned their sex. He presumed, however, that the hon. Member for Westminster would propose that they should use voting papers, for it would be manifestly indecorous for them to attend the hustings or the polling-booth; but voting papers, duly guarded, would enable the sex to vote in a manner free from objection. He approved the proposal in a constitutional point of view, for it was a principle of our Constitution that taxation should be as nearly as possible co-extensive with representation. Subject to the limitation that no one should have a vote who could not exercise it for the benefit of the community everybody ought to share in the representation. Now, women held a considerable amount of property which was subject to taxation, and of this there was a remarkable instance in a lady distinguished not so much for her wealth as for the noble use she made of it. Yet that property, being held by a woman, was not represented. This he thought unjust, and though, generally speaking, women do not occupy themselves with politics—nor was it desirable that they should do so—he maintained that, being taxed, they ought to be represented.

VISCOUNT GALWAY, believing that the Committee were anxious to proceed to more important business, would appeal to the hon. Member for Westminster to withdraw his Motion, which, if pressed to a division, would place many Gentlemen who were great admirers of the fair

sex in an embarrassing point. The hon. Member for Brighton (Mr. Fawcett) had said that the female sex had no representatives in the House. Now he thought they had a very able one in the hon. Gentleman himself, though his experience with regard to the sex was not very prolonged, as the hon. Gentleman, he believed, had not been married above a fortnight. Moreover, every one acquainted with elections was aware of the influence which was exercised by women. In making his appeal to the hon. Member for Westminster he would remind him of the remark which was made last year by the hon. Member for Bristol—that if the hon. Gentleman's father could give him an excellent piece of advice it would be, "John, stick to the Ballot, and leave the women alone."

MR. ONSLOW supported the Amendment, and by doing so he knew he should get 100 votes. In the borough he represented there were many ladies of the very best description; and in their interest he hoped the Amendment would be carried. He had taken a great deal of trouble to ascertain the wishes of the ladies on the subject. He asked two young ladies in the lobby how they would vote, supposing they possessed the franchise; and their reply was that they would give their vote to the man who would give them the best pair of diamond earrings. He thought there had never been so good a chance for this proposal as at the present time, for the Chancellor of the Exchequer had lately given way to pressure from other quarters, and was very likely to give way to a little gentle pressure on the part of the ladies.

MR. J. STUART MILL: I will merely say, in answer to the noble Lord who requested me to withdraw the Motion, that I am a great deal too well pleased with the speeches that have been made against it—his own included—to think of withdrawing it: There is nothing that has pleased me more in those speeches than to find that every one who has attempted to argue at all, has argued against something which is not before the House: they have argued against the admission of married women, which is not in the Motion; or they have argued against the admission of women as Members of this House; or again, as the hon. Member for the Wick boroughs (Mr. Laing) has done, they have argued against allowing women to be generals and officers in the army; a question which I need scarcely say is not before the House.

[Committee—Clause 4.

I certainly do think that when we come to universal suffrage, as some time or other we probably shall come—if we extend the vote to all men, we should extend it to all women also. So long, however, as you maintain a property qualification, I do not propose to extend the suffrage to any women but those who have the qualification. If, as is surmised by one of the speakers, young ladies should attach so much value to the suffrage that they should be unwilling to divest themselves of it in order to marry, I can only say that if they will not marry without it, they will probably be allowed to retain it. As to any question that may arise in reference to the removal of any other disabilities of women, it is not before the House. There are evidently many arguments and many considerations that cannot be overlooked in dealing with these larger questions, but which do not arise on the present Motion, and on which, therefore, it is not necessary that I should comment. I will only say that if we should in the progress of experience—especially after experience of the effect of granting the suffrage—come to the decision that married women ought to have the suffrage, or that women should be admitted to any employment or occupation which they are not now admitted to—if it should become the general opinion that they ought to have it, they will have it.

Question put, "That the word 'man' stand part of the Clause."

The Committee divided:—Ayes 196; Noes 73: Majority 123.

AYES.

Acland, T. D.	Campbell, A. H.
Adam, W. P.	Candlish, J.
Adderley, rt. hon. C. B.	Capper, C.
Annesley, hon. Col. H.	Cardwell, rt. hon. E.
Ayrton, A. S.	Cartwright, Colonel
Bagge, Sir W.	Cave, rt. hon. S.
Baillie, rt. hon. H. J.	Cecil, Lord E. H. B. G.
Barnett, H.	Chambers, T.
Beach, Sir M. H.	Clay, J.
Beaumont, W. B.	Cole, hon. J. L.
Bernard, hon. Col. H. B.	Colebrooke, Sir T. E.
Blennerhasset, Sir R.	Collier, Sir R. P.
Bourne, Colonel	Colville, C. R.
Brett, W. B.	Conolly, T.
Briscoe, J. I.	Corry, rt. hon. H. L.
Brooks, R.	Cox, W. T.
Brown, J.	Crawford, R. W.
Browne, Lord J. T.	Cubitt, G.
Bruce, Lord C.	Dalkeith, Earl of
Bruen, H.	Dering, Sir E. C.
Buckley, E.	Dick, F.
Bulkeley, Sir R.	Dickson, Major A. G.
Buller, Sir E. M.	Dillwyn, L. L.
Burrell, Sir P.	Dimsdale, R.
Buxton, Sir T. F.	Dunkellin, Lord

Dunne, General	Edwards, Sir H.
Du Pre, C. G.	Egerton, Sir P. G.
Dyott, Colonel R.	Egerton, hon. A. F.
Eckersley, N.	Egerton, E. C.
Egerton, Sir P. G.	Egerton, hon. W.
Egerton, hon. A. F.	Enfield, Viscount
Egerton, E. C.	Esmonde, J.
Egerton, hon. W.	Evans, T. W.
Enfield, Viscount	Ewing, H. E. Crum-
Esmonde, J.	Fellowes, E.
Evans, T. W.	Fergusson, Sir J.
Ewing, H. E. Crum-	Floyer, J.
Fellowes, E.	Foljambe, F. J. S.
Fergusson, Sir J.	Freshfield, C. K.
Floyer, J.	Gallway, Sir W. P.
Foljambe, F. J. S.	Gaselee, Serjeant S.
Freshfield, C. K.	Getty, S. G.
Gallway, Sir W. P.	Gilpin, C.
Gaselee, Serjeant S.	Gladstone, rt. hn. W. E.
Getty, S. G.	Glyn, G. G.
Gilpin, C.	Goddard, A. L.
Gladstone, rt. hn. W. E.	Gore, J. R. O.
Glyn, G. G.	Gore, W. R. O.
Goddard, A. L.	Graves, S. R.
Gore, J. R. O.	Gray, Lieut.-Colonel
Gore, W. R. O.	Greenall, G.
Graves, S. R.	Greene, E.
Gray, Lieut.-Colonel	Grove, T. F.
Greenall, G.	Guinness, Sir B. L.
Greene, E.	Gwyn, H.
Grove, T. F.	Hamilton, rt. hon. Lord C.
Guinness, Sir B. L.	Hamilton, E. W. T.
Gwyn, H.	Hanmer, Sir J.
Hamilton, rt. hon. Lord C.	Hardy, rt. hon. G.
Hamilton, E. W. T.	Hartley, J.
Hanmer, Sir J.	Hartopp, E. B.
Hardy, rt. hon. G.	Hayter, Captain A. D.
Hartley, J.	Headlam, rt. hon. T. E.
Hartopp, E. B.	Heathcote, Sir W.
Hayter, Captain A. D.	Heneage, E.
Headlam, rt. hon. T. E.	Henley, rt. hon. J. W.
Heathcote, Sir W.	Henley, Lord
Heneage, E.	Herbert, hn. Colonel P.
Henley, rt. hon. J. W.	Hildyard, T. B. T.
Henley, Lord	Hope, A. J. B. B.
Herbert, hn. Colonel P.	Howard, hon. C. W. G.
Hildyard, T. B. T.	Howes, E.
Hope, A. J. B. B.	Huddleston, J. W.
Howard, hon. C. W. G.	Hunt, G. W.
Howes, E.	Ingham, R.
Huddleston, J. W.	Jervis, Major
Hunt, G. W.	Jones, D.
Ingham, R.	Karslake, Sir J. B.
Jervis, Major	Kekewich, S. T.
Jones, D.	Kelk, J.
Karslake, Sir J. B.	Kendall, N.
Kekewich, S. T.	King, J. K.
Kelk, J.	King, J. G.
Kendall, N.	Knatchbull-Hugessen, E.
King, J. K.	Leader, N. P.
King, J. G.	Lechmere, Sir E. A. H.
Knatchbull-Hugessen, E.	Leeman, G.
Leader, N. P.	Lewis, H.
Lechmere, Sir E. A. H.	Lindsay, hon. Col. C.
Leeman, G.	Locke, J.
Lewis, H.	Lopes, Sir M.
Lindsay, hon. Col. C.	M'Lagan, P.
Locke, J.	Merry, J.
Lopes, Sir M.	Miller, W.
M'Lagan, P.	Mitchell, T. A.
Merry, J.	
Miller, W.	
Mitchell, T. A.	

Monk, C. J.	Montagu, rt. hn. Lord R.
Montagu, rt. hn. Lord R.	Montgomery, Sir G.
Montgomery, Sir G.	Morgan, O.
Morgan, O.	Mowbray, rt. hon. J. R.
Mowbray, rt. hon. J. R.	Naas, Lord
Naas, Lord	Neate, C.
Neate, C.	Newdegate, C. N.
Newdegate, C. N.	Newport, Viscount
Newport, Viscount	Nicholson, W.
Nicholson, W.	Nicol, J. D.
Nicol, J. D.	Noel, hon. G. J.
Noel, hon. G. J.	O'Reilly, M. W.
O'Reilly, M. W.	Packe, C. W.
Packe, C. W.	Packe, Colonel
Packe, Colonel	Pakington, rt. hn. Sir J.
Pakington, rt. hn. Sir J.	Parker, Major W.
Parker, Major W.	Pease, J. W.
Pease, J. W.	Peel, rt. hon. Sir R.
Peel, rt. hon. Sir R.	Potter, E.
Potter, E.	Powell, F. S.
Powell, F. S.	Price, R. G.
Price, R. G.	Price, W. P.
Price, W. P.	Pugh, D.
Pugh, D.	Read, C. S.
Read, C. S.	Rebow, J. G.
Rebow, J. G.	Repton, G. W. J.
Repton, G. W. J.	Ridley, Sir M. W.
Ridley, Sir M. W.	Robertson, P. F.
Robertson, P. F.	Roebuck, J. A.
Roebuck, J. A.	Rolt, Sir J.
Rolt, Sir J.	Royston, Viscount
Royston, Viscount	Russell, Sir C.
Russell, Sir C.	St. Aubyn, J.
St. Aubyn, J.	Samuda, J. D'A.
Samuda, J. D'A.	Scholefield, W.
Scholefield, W.	Schreiber, C.
Schreiber, C.	Selater-Booth, G.
Selater-Booth, G.	Scott, Sir W.
Scott, Sir W.	Seely, C.
Seely, C.	Selwyn, C. J.
Selwyn, C. J.	Severne, J. E.
Severne, J. E.	Seymour, G. H.
Seymour, G. H.	Simonds, W. B.
Simonds, W. B.	Smith, A.
Smith, A.	Smollett, P. B.
Smollett, P. B.	Stanley, Lord
Stanley, Lord	Stanley, hon. F.
Stanley, hon. F.	Stanley, hon. W. O.
Stanley, hon. W. O.	Strange, Sir J. M.
Strange, Sir J. M.	Stucley, Sir G. S.
Stucley, Sir G. S.	Taylor, Colonel
Taylor, Colonel	Tollemache, J.
Tollemache, J.	Trevor, Lord A. E. Hill-
Trevor, Lord A. E. Hill-	Turner, C.
Turner, C.	Vandeleur, Colonel
Vandeleur, Colonel	Vanderbyl, P.
Vanderbyl, P.	Vernon, H. F.
Vernon, H. F.	Vivian, H. H.
Vivian, H. H.	Walker, Major G. G.
Walker, Major G. G.	Walrond, J. W.
Walrond, J. W.	Walsh, A.
Walsh, A.	Waterhouse, S.
Waterhouse, S.	Whalley, G. H.
Whalley, G. H.	Whitmore, H.
Whitmore, H.	Williamson, Sir H.
Williamson, Sir H.	Winnington, Sir T. E.
Winnington, Sir T. E.	Wise, H. C.
Wise, H. C.	Woods, H.
Woods, H.	Wyndham, hon. H.

TELLERS.

Laing, S.	Karslake, E. K.
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NOES.

Allen, W. S.	Lusk, A.
Amberley, Viscount	M'Kenna, J. N.
Baines, E.	M'Laren, D.
Barnes, T.	Maguire, J. F.
Barrow, W. H.	Moore, C.
Bass, M. T.	Morgan, hon. Major
Bazley, T.	Morrison, W.
Beach, W. W. B.	O'Beirne, J. L.
Biddulph, M.	O'Donoghue, The
Blake, J. A.	Oliphant, L.
Bowyer, Sir G.	Onslow, G.
Bright, J.	Padmore, R.
Cowen, J.	Parry, T.
Dalglish, R.	Peel, J.
Denman, hon. G.	Peto, Sir S. M.
Eyky, R.	Platt, J.
Fawcett, H.	Pollard-Urquhart, W.
Goldsmid, Sir F. H.	Power, Sir J.
Gorst, J. E.	Pritchard, J.
Grant, A.	Reardon, D. J.
Gridley, Captain H. G.	Robartes, T. J. A.
Hadfield, G.	Robertson, D.
Harvey, R. B.	Stansfeld, J.
Hay, Lord J.	Stock, O.
Hay, Lord W. M.	Talbot, C. R. M.
Henderson, J.	Taylor, P. A.
Hibbert, J. T.	Watkin, E. W.
Hodgkinson, G.	Whatman, J.
Holden, I.	White, J.
Hughes, T.	Whitworth, B.
Hurst, R. H.	Wyl, J.
Jackson, W.	Wyndham, hon. P.
Jervoise, Sir J. C.	Yorke, J. R.
King, hon. P. J. L.	Young, R.
Labouchere, H.	
Langton, W. G.	
Leatham, W. H.	
Lefevre, G. J. S.	
Liddell, hon. H. G.	

TELLERS.

Mill, J. S.
Gurney, rt. hon. R.

MR. COLVILLE said, that the proposition he had to make was a very simple one, and he would not occupy the time of the Committee more than a few minutes in explaining the reasons that had induced him to ask for a reduction in the amount which gave copyholders the right to vote. This concession appeared to him so just and proper that he could hardly call it an Amendment, but simply a reminder to the Government to supply an omission which he felt sure they had unintentionally made. The copyhold franchise was one of those given by the Reform Bill of 1832, and the sum which then gave the franchise was £10. The borough and counties occupation franchises which were also then given, had been reduced more than one-half, and he thought it no unreasonable request to ask that the copyhold franchise should be treated in the same manner—besides modern legislation had greatly improved the position of the copyholder. The Copyhold Enfranchisement Acts and other enactments had materially enhanced the value of that

species of property, and it was a fact that those copyholds which were known by the term copyholds of inheritance, where the fine was certain and nominal, actually sold at more years purchase than that of freeholds, which was caused by the cheapness and facility of transfer and the security which is given by a complete registration of title. The only doubt on his (Mr. Colville's) mind was whether his proposal went low enough, and whether he should not have put the sum, as in the case of freeholds, at 40s.; but as there were other copyholds where the custom of the Court was not so favourable to the tenant, he thought it a fair compromise, and he had determined to ask the Committee to agree to reduce the copyhold franchise from £10 to £5. He trusted that this proposition would meet with the approval of Her Majesty's Government, and that the Committee would give him their support.

Amendment proposed,

In line 19, after the word "and," to insert the words "who shall be seised at law or in equity of any lands or tenements of copyhold or any other tenure whatever, except freehold, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same."—(Mr. Colville.)

THE ATTORNEY GENERAL said, that the proposition of the hon. Gentleman entirely rested upon this argument, that as the 40s. freeholder was entitled to a vote, therefore a correspondingly low limit of value should be taken for the franchise based on copyhold tenure. But it was quite clear that nobody would now think of proposing, for the first time, that a freehold of 40s. annual value should confer the franchise in counties. The limit of 40s. was fixed upon at a time when the value of property was very different from what it was now; but that being the origin of the Parliamentary franchise, and having existed for centuries as the foundation of our representation, it would be undesirable to change it. In creating a franchise, however, for tenures which until recently were not represented, as was the case with copyholds until 1832, it was only reasonable that a limit more in accordance with the present value of property should be adopted, and therefore £10 had been fixed upon. Nothing had occurred since 1832 to make them reduce the £10 to £5, which was quite an inadequate amount if they were to take value

[Committee—Clause 4.]

at all as their guide. He hoped therefore the Committee would adhere to the amount.

MR. ROEBUCK said, they were now enlarging the suffrage, and what was done in 1832 could not bind them on the present occasion. He wanted an answer to this question—Would they, by reducing the copyhold franchise to £5, bring in a class of voters whom they wished to keep out? That was the whole question. Those who possessed copyholds of a clear yearly value of £5 were certainly persons who ought to have a voice in the election of Members of Parliament; and he could not understand how the Government, who had in so many instances yielded to the wise wishes of the country at large, should refuse on that small point to make so reasonable a concession.

MR. M. T. BASS said, the hon. and learned Attorney General seemed to have forgotten that they were reducing all the franchises. He thought that copyholders of £5 clear yearly value could not be denied the franchise without manifest injustice.

SIR EDWARD BULLER supported the Amendment. He could not understand how the Attorney General could object to it, or how he was a party to the proposals for conferring the franchise on the possessors of £50 in the funds or in a savings bank, neither of which qualifications were equal in value to a £5 copyhold.

MR. PEASE said, this question interested a great number of persons in his county, where there were many small freeholders and copyholders, and if 40s. gave a vote to one class, most certainly £5 ought to give a vote to the other.

MR. EVANS said, the Committee were enlarging the franchise of the counties, and they ought to take into consideration the just feelings of the people. The Amendment was a moderate and a just one, and could do no harm.

MR. BARROW said, he could not understand why the Government should oppose the Amendment. It was based upon the admitted desirability of giving property some influence in the Parliamentary elections, and it could not be desirable that the £5 copyholder should be excluded from the franchise to which the £15 occupier was to be admitted.

SIR EDWARD COLEBROOKE observed, that a proposition similar to the present Amendment was contained in the Reform Bill introduced by Lord Derby's

Government in 1859, and it was certainly unjust to preserve a "hard and fast" line in this respect in the counties at the moment when they had abolished it in the boroughs.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 201; Noes 157: Majority 44.

AYES.

Acland, T. D.	Ewing, H. E. Crum-
Adam, W. P.	Eykyn, R.
Allen, W. S.	Fawcett, H.
Amberley Viscount	Foljambe, F. J. S.
Ayrton, A. S.	Forster, C.
Aytoun, R. S.	Forster, W. E.
Baines, E.	Foster, W. O.
Barnes, T.	Fortescue, hon. D. F.
Barnett, H.	Gaselee, Serjeant S.
Barrow, W. H.	Gilpin, C.
Bass, A.	Gladstone, rt. hn. W. E.
Bass, M. T.	Glyn, G. G.
Bazley, T.	Goldsmid, Sir F. H.
Beaumont, W. B.	Goschen, rt. hon. G. J.
Berkeley, hon. H. F.	Gower, hon. F. L.
Biddulph, M.	Graham, W.
Blake, J. A.	Greenall, G.
Blennerhasset, Sir R.	Gridley, Captain H. G.
Bonham-Carter, J.	Grove, T. F.
Bowyer, Sir G.	Hadfield, G.
Brand, rt. hon. H.	Hamilton, E. W. T.
Bright, J.	Hankey, T.
Brown, J.	Hanmer, Sir J.
Browne, Lord J. T.	Harris, J. D.
Bruce, Lord C.	Hay, Lord J.
Bruce, Lord E.	Hay, Lord W. M.
Buller, Sir A. W.	Hayter, Captain A. D.
Buller, Sir E. M.	Headlam, rt. hn. T. E.
Buxton, Sir T. F.	Henderson, J.
Candlish, J.	Heneage, E.
Cardwell, rt. hon. E.	Henley, rt. hon. J. W.
Cave, T.	Henley, Lord
Cavendish, Lord F. C.	Hibbert, J. T.
Cavendish, Lord G.	Hodgkinson, G.
Chambers, T.	Hodgson, K. D.
Clay, J.	Holden, I.
Clement, W. J.	Hornby, W. H.
Cogan, rt. hn. W. H. F.	Howard, hon. C. W. G.
Colebrooke, Sir T. E.	Hughes, T.
Collier, Sir R. P.	Hurst, R. H.
Corrance, F. S.	Hutt, rt. hon. Sir W.
Cowen, J.	Ingham, R.
Cowper, hon. H. F.	Jackson, W.
Cox, W. T.	Jervoise, Sir J. C.
Craufurd, E. H. J.	King, hon. P. J. L.
Crawford, R. W.	Kinglake, A. W.
Crossley, Sir F.	Kinglake, J. A.
Dalglish, R.	Kingscote, Colonel
Denman, hon. G.	Knatchbull-Hugessen E
Dering, Sir E. C.	Labouchere, H.
Dick, F.	Laing, S.
Dillwyn, L. L.	Layard, A. H.
Dunkellin, Lord	Lamont, J.
Du Pre, C. G.	Lawrence, W.
Egerton, hon. W.	Leatham, W. H.
Eliot, Lord	Leeman, G.
Enfield, Viscount	Lefevre, G. J. S.
Esmonde, J.	Lewis, H.
Evans, T. W.	Locke, J.

Lusk, A.
Mackie, J.
M'Laren, D.
Maguire, J. F.
Martin, P. W.
Merry, J.
Milbank, F. A.
Mill, J. S.
Miller, W.
Mitchell, A.
Mitchell, T. A.
Monk, C. J.
More, R. J.
Morrison, W.
Newdegate, C. N.
Nicholson, W.
Nicol, J. D.
O'Beirne, J. L.
O'Donoghue, The
Ogilvy, Sir J.
Oliphant, L.
Onslow, G.
O'Reilly, M. W.
Packe, Colonel
Padmore, R.
Palmer, Sir R.
Parry, T.
Peel, rt. hon. Sir R.
Peel, A. W.
Peel, J.
Pelham, Lord
Peto, Sir S. M.
Philips, R. N.
Pim, J.
Platt, J.
Potter, E.
Power, Sir J.
Price, W. P.
Pritchard, J.
Rearden, D. J.
Rebow, J. G.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.

Russell, A.
Russell, H.
St. Aubyn, J.
Samuda, J. D'A.
Samuelson, B.
Scholefield, W.
Scott, Sir W.
Seely, C.
Seymour, A.
Smith, J. B.
Speirs, A. A.
Staepoole, W.
Stanley, hon. W. O.
Stansfeld, J.
Stock, O.
Stuart, Col. Crichton-
Stucley, Sir G. S.
Synan, E. J.
Talbot, C. R. M.
Taylor, P. A.
Torrens, W. T. M'C.
Vernon, H. F.
Villiers, rt. hon. C. P.
Vivian, H. H.
Warner, E.
Watkin, E. W.
Western, Sir T. B.
Whalley, G. H.
Whatman, J.
Whitbread, S.
White, J.
Whitworth, B.
Williamson, Sir H.
Winnington, Sir T. E.
Woods, H.
Wyld, J.
Wyndham, hon. P.
Wyvil, M.
Young, G.
Young, R.

TELLERS.

Colville, C. R.
Pease, J. W.

NOES.

Adderley, rt. hon. C. B.
Annesley, hon. Col. H.
Anson, hon. Major
Bagge, Sir W.
Bailey, Sir J. R.
Baillie, rt. hon. H. J.
Baring, T.
Bathurst, A. A.
Beach, Sir M. H.
Beach, W. W. B.
Beresford, Capt. D. W.
Packer-
Bernard, hn. Col. H. B.
Bourne, Colonel
Brett, W. B.
Bridges, Sir B. W.
Brooks, R.
Bruen, H.
Buckley, E.
Burrell, Sir P.
Butler-Johnstone, H. A.
Campbell, A. H.
Capper, C.
Cartwright, Colonel
Cave, rt. hon. S.
Cecil, Lord E. H. B. G.
Clive, Capt. hon. G. W.

Cole, hon. J. L.
Conolly, T.
Corry, rt. hon. H. L.
Cranbourne, Viscount
Cubitt, G.
Dalkeith, Earl of
Dickson, Major A. G.
Dimsdale, R.
Disraeli, rt. hon. B.
Duncombe, hon. Colonel
Dunne, General
Dyott, Colonel R.
Eckersley, N.
Edwards, Sir H.
Egerton, Sir P. G.
Egerton, E. C.
Fellowes, E.
Fergusson, Sir J.
Floyer, J.
Freshfield, C. K.
Garth, R.
Getty, S. G.
Goodson, J.
Gore, J. R. O.
Gore, W. R. O.
Grant, A.
Graves, S. R.

Gray, Lieut.-Colonel
Greene, E.
Grey, hon. T. de
Guinness, Sir B. L.
Gurney, rt. hon. R.
Gwyn, H.
Hamilton, rt. hn. Lord C.
Hardy, rt. hon. G.
Hartopp, E. B.
Harvey, R. B.
Heathcote, hon. G. H.
Heathcote, Sir W.
Herbert, hon. Col. P.
Hesketh, Sir T. G.
Hildyard, T. B. T.
Hogg, Lt.-Col. J. M.
Holford, R. S.
Hope, A. J. B. B.
Horsfall, T. B.
Howes, E.
Huddleston, J. W.
Hunt, G. W.
Jervis, Major
Jones, D.
Karslake, Sir J. B.
Karslake, E. K.
Kekewich, S. T.
Kelk, J.
Kendall, N.
King, J. K.
King, J. G.
Knight, F. W.
Knightley, Sir R.
Knox, Colonel
Knox, hon. Colonel S.
Lacon, Sir E.
Laird, J.
Langton, W. G.
Leader, N. P.
Lechmere, Sir E. A. H.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lopes, Sir M.
Lowther, J.
McKenna, J. N.
Manners, rt. hn. Lord J.
Mitford, W. T.
Montagu, rt. hn. Lord R.
Montgomery, Sir G.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Naas, Lord

Neeld, Sir J.
Neville-Grenville, R.
Newport, Viscount
North, Colonel
Northcote, rt. hn. Sir S. H.
Packe, C. W.
Paget, R. H.
Pakington, rt. hn. Sir J.
Parker, Major W.
Percy, Mjr.-Gen. Ld. H.
Powell, F. S.
Pugh, D.
Read, C. S.
Repton, G. W. J.
Ridley, Sir M. W.
Robertson, P. F.
Rolt, Sir J.
Royston, Viscount
Russell, Sir C.
Schreiber, C.
Schlater-Booth, G.
Scott, Lord H.
Scourfield, J. H.
Selwyn, C. J.
Severne, J. E.
Seymour, G. H.
Simonds, W. B.
Smith, A.
Smollett, P. B.
Stanhope, J. B.
Stanley, Lord
Stanley, hon. F.
Stronge, Sir J. M.
Surtees, C. F.
Surtees, H. E.
Thynne, Lord H. F.
Tollemache, J.
Treeby, J. W.
Trevor, Lord A. E. Hill-
Turner, C.
Vance, J.
Vandeuleur, Colonel
Walcott, Admiral
Walker, Major G. G.
Walrond, J. W.
Walsh, A.
Waterhouse, S.
Whitmore, H.
Wise, H. C.
Woodd, B. T.

TELLERS.

Taylor, Colonel T. E.
Noel, hon. G. J.

THE CHANCELLOR OF THE EXCHEQUER: I mentioned to the Committee that it was absolutely necessary we should ask them for some money to-night. And perhaps it would be well that we should here pause with that object in view. ["No, no!"] I have no objection to proceed if the House will be pleased to assist us by-and-by with Estimates 1 and 2 in Committee, and will not remind us that it is then one o'clock. It is absolutely necessary that some money should be voted.

MR. AYRTON said, the Motion just carried had reduced the franchise in cer-

[Committee—Clause 4.

tain cases to £5. The Reform Act of 1832 contained other cases of a similar kind, and it would be necessary to take them into consideration. He did not see any Amendment relating to these upon the Paper, and it was desirable that there should be clear propositions before the House when any change was to be made. Unless some Member was ready to propose that they should reduce the value in all these cases to £5, it would be better that they should not proceed further that night.

MR. GLADSTONE: I hope that hon. Members will be disposed to accede to the wish which has been expressed by the right hon. Gentleman on the part of the Government. He has very kindly said he is willing to go on in Committee provided he is not obstructed in taking two classes of the Estimates on which it is absolutely necessary for him to have the money. I think the right hon. Gentleman is not at all to blame for offering that suggestion. On the other hand, there may be many Members here disposed to discuss various Votes in these Estimates, and as that is one of the primary functions of Members of Parliament, I do not think hon. Members who may wish to deal with those Estimates, however kind the offer of the right hon. Gentleman, should be placed at the disadvantage of having to deal with them at one o'clock in the morning.

MR. HUSSEY VIVIAN said, the 20th section of the Reform Act of 1832 was on all fours with the 19th section, on which the Committee had just expressed its opinion. Unless he understood from the Chancellor of the Exchequer that on a future occasion the principle affirmed in one case would be extended to the others, he should propose to take the sense of the Committee on the 20th section as well.

THE CHANCELLOR OF THE EXCHEQUER: If the hon. Member desires to challenge any decision upon the 20th section of the Reform Act of 1832 he had better give notice of his Motion. The Committee will feel that to be the regular course of proceeding. It is from no wish to delay the decision that I say so; personally, I very much wish we could dispose of the matter to-night. But the Committee will remember that what I stated just now with regard to Supply I mentioned the other night. I have redeemed the engagement into which I entered, and I think it will be for the general convenience that you, Sir, should now report Progress.

Mr. Ayrton

MR. LOCKE KING suggested, that as there were few Motions of importance on the Paper for to-morrow, it might be desirable to proceed with the Reform Bill.

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon *Thursday*.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

IRELAND—REGISTRY OF DEEDS.

OBSERVATIONS.

GENERAL DUNNE called the attention of the House to the illegality of appropriating to the Consolidated Fund the fees for the registry of deeds in Ireland, which he contended was contrary to the several statutes passed for the regulation of the registry. The amount thus derived was £41,000 annually, and by the clearest enactments it was to be applied in reduction of the fees of court. The Treasury had no right, in the face of these enactments, as well as of the reports of the Commissions appointed to examine into the subject, to apply the amount to the Consolidated Fund. In addition to the fees, the stamps produced an amount of £5,000, which had been charged for the last thirty-two years. The course taken was contrary to law, and he hoped he should have an assurance that it would not be continued.

MR. HUNT said, that of late years there had been no surplus at all, but, on the contrary, they had been obliged to make good a deficiency. No doubt, during some years there had been a surplus, and the money had been paid into the Treasury; but as that surplus was owing to the fact that certain work which ought to have been done, and for which payment ought to have been made, was postponed until the years when the account showed a deficiency, his hon. and gallant Friend had not, as far as he could see, any cause of complaint.

Motion, "That Mr. Speaker do now leave the Chair," *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £55,491, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1868, for the Salaries and Expenses in the Offices of the two Houses of Parliament, and for Allowances to Retired Officers."

MR. CHILDERS requested information as to the state of the Fee Fund of the House of Lords, and on the assumption that there was a large balance on it suggested that the sum of £2,800 for the salaries of door-keepers payable by the Usher of the Black Rod, should in future be omitted from the Vote.

MR. HUNT said, he believed the Fee Fund of the House of Lords ample to bear this expenditure, but he was not now in a position to give particulars. He believed there was a surplus of £80,000.

MR. THOMSON HANKEY believed that the Fee Fund had never been audited by the Commissioners of Audit. He hoped the Secretary to the Treasury would direct that it should be audited.

MR. CANDLISH wished to know how long the Fund had been accumulating?

MR. HUNT said, it had been accumulating for many years.

MR. CHILDERS wished to obtain a promise from the Secretary to the Treasury that the Fund should be audited in future, and that if it was found to be in excess the provision asked for now should not be asked for next year. There was a mystery about the Fund which successive Secretaries to the Treasury had failed to get at; but by a Bill passed last year the Treasury were empowered to insist upon the auditing of the Fund.

MR. HUNT could not give any particulars about the Fee Fund, but believed that it was able to bear this charge.

MR. AYRTON thought that the Vote was an extraordinary one, since it appeared that the Fee Fund showed a surplus. The Treasury ought to be assured before proposing a Vote like this that there was a deficiency in the Fund which necessitated an application being made to Parliament.

MR. HUNT said, that the Fee Fund was a matter in which the House of Lords was rather jealous to interfere. If the hon. Gentleman the Member for the Tower

Hamlets entertained any doubt about the management of that Fund, it was open to him to move for an inquiry. Several successive Secretaries of the Treasury had endeavoured, but without success, to solve the mystery of the House of Lords' Fee Fund, and he should be very glad if his predecessor (Mr. Childers) could give him any information on the subject.

MR. CHILDERS said, that under a recent Act of Parliament the Treasury was empowered to insist that this Fund should be audited, and he wished to know whether it was intended that in future that power should be exercised?

MR. HUNT said, he would endeavour to exercise all the powers conferred by the Act.

MR. ALDERMAN LUSK moved that the Vote be reduced by the sum of £2,800.

Motion made, and Question proposed,

"That the Item of £8,300, being the amount required in aid of the Fee Fund of the House of Lords, according to the Estimate received from the Officers of the House of Lords, be omitted from the proposed Vote."—(Mr. Lusk.)

THE CHANCELLOR OF THE EXCHEQUER said, the Motion of the worthy Alderman would appear to be something like a slur on the officers of the House of Lords. This practice was a very ancient one, and ever since he had sat in that House the Fee Fund had been a mystery. Until the present time, however, the Treasury had not been provided with a weapon with which to attack such a state of things, but now they would take an opportunity to use the instrument provided by a recent Act of the Legislature. He hoped therefore that the worthy Alderman would withdraw his Motion, which might look like a slur on the officers of the House of Lords.

MR. THOMSON HANKEY asked the Secretary of the Treasury if he would undertake to have the accounts audited next year?

MR. HUNT stated that he did not know what were the precise provisions of the Act of Parliament; but that if it gave the necessary powers an audit of the Fee Fund would for the future be required.

MR. CHILDERS considered that was satisfactory, because the Treasury had undoubtedly the power under the Act of last Session.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. DARBY GRIFFITH moved, as an Amendment, that the salary of the Librarian be reduced from £1,000 to £800, according to the recommendation of the Committee of 1848.

Motion made, and Question proposed,

"That the Item of £1,000, for the Librarian of the House of Commons, be reduced by the sum of £200."—(*Mr. Darby Griffith.*)

THE CHANCELLOR OF THE EXCHEQUER explained that the authority exercised in reference to this matter by the Speaker was delegated to him by the House, and he exercised it by the authority and wish of the House in unison with the Chancellor of the Exchequer and Secretary of State. He was sure that on reflection the hon. Member would feel that this was a matter eminently suited to the discretion of the Speaker.

MR. DARBY GRIFFITH objected, on constitutional grounds, to the House delegating its authority.

MR. HUNT said, he knew as a Member of the House, but not in his official capacity as Secretary to the Treasury, that there was to be a reduction in the salary of the Librarian.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) £38,836, to complete the sum for the Treasury.

(3.) £20,308, to complete the sum for the Home Office.

(4.) £51,410, to complete the sum for the Foreign Office.

(5.) £24,250, to complete the sum for the Colonial Office.

(6.) £23,423, to complete the sum for the Privy Council Office.

SIR J. CLARKE JERVOISE called attention to an item of £15,000 for National Vaccination and purposes connected with it.

MR. HUNT said, that there was some addition to the Estimate of this year, but that it arose out of the recommendation of the Select Committee which sat last year, under the Presidency of the late Vice President of the Council. That Committee recommended that certain sums should be placed at the disposal of the Privy Council to give gratuities to persons found upon inspection to have performed the work of vaccination successfully.

Vote agreed to.

(7.) £59,386, to complete the sum for the Board of Trade, &c.

MR. CHILDERS hoped that the present Government would find some office for that most efficient public servant, Mr. Chisholm, who was now discharging the duties of the Warden of Standards, an office that was about to be transferred to the Assistant Secretary of the Commercial Department.

MR. HUNT said, that the present Government quite appreciated the value of Mr. Chisholm's services, which would not be lost to the public when the proposed transfer of the duties of the office of Warden of Standards to the Assistant Secretary was completed.

Vote agreed to.

(8.) £1,938, to complete the sum for the Privy Seal Office.

(9.) £6,091, to complete the sum for the Civil Service Commission.

(10.) £14,200, to complete the sum for the Paymaster General's Office.

(11.) £28,000, to complete the sum for the Exchequer and Audit Department.

SIR GEORGE BOWYER wished to ask the Chancellor of the Exchequer, with reference to a letter of Mr. Romilly, addressed to the right hon. Gentleman at the beginning of the present year, whether the Government were prepared to extend the operation of the Audit Department so as to bring within its cognizance the accounts of all the other public Departments. The Act of last year had proved a complete failure.

THE CHANCELLOR OF THE EXCHEQUER said, that the Controller General, and also his Deputy, were in a position of complete independence of the Treasury. Their offices were patent offices, and held during good conduct. The Treasury had no control over them.

MR. CHILDERS observed, that what had been stated by the Chancellor of the Exchequer was strictly correct. Mr. Romilly's letter was written some time before the Act of last year came into operation. That Act was passed in accordance with the representations of Committee after Committee; and the authority of the Treasury over the Audit Office was greatly diminished by it.

Vote agreed to.

(12.) £23,463, to complete the sum for the Office of Works and Public Buildings.

MR. BENTINCK wished to know, whether the practice of this Office was that an architect in addition to his salary should

receive a commission on any works he might execute?

MR. HUNT would make inquiry, and let his hon. Friend know what the practice of the office was.

MR. CHILDERS said, the salary covered the ordinary professional duty of the architect in connection with existing buildings; but if he should be employed on any new and large public building, he would be entitled to the usual commission.

Vote agreed to.

(13.) £18,744, to complete the sum for the Office of Woods, Forests, and Land Revenues.

MR. BONHAM-CARTER asked, whether as wood was no longer used in the dockyards to the same extent as formerly, the cost of planting timber would still be incurred in the New Forest and elsewhere?

MR. HUNT said, that the demand for timber for use in the navy had not yet ceased, and at the present time purchases were made in different parts of the country. The question whether we should go on spending money for plantations in the New Forest and other of the Royal domains would no doubt be considered.

Vote agreed to.

(14.) £15,383, to complete the sum for the Public Record Office.

MR. POWELL said, that while in the previous year £3,000 had been spent in publishing the valuable series of historical documents under the enlightened superintendence of the Master of the Rolls, in this year only £2,000 had been so allotted. He hoped that this reduction did not indicate any diminished energy in the prosecution of a work which was in every way so satisfactory.

MR. WHALLEY asked, whether the report was true that the person appointed to sort those documents for the purposes of history was a Roman Catholic? ["Oh, oh!"] Mr. Turnbull, the late officer, was a Roman Catholic, and he hoped that his successor was not open to the same objection?

MR. HUNT said, that the amount devoted to this purpose varied according to the nature of the work undertaken, but there was no intention to curtail the work. As to the question of the hon. Member (Mr. Whalley), he was sure the Committee would be of opinion that the best man should be engaged for such a work, without reference to his religious persuasion.

MR. WHALLEY referred to an action

at law in which the late Mr. Turnbull had raised the whole question, alleging that he was not disqualified by reason of his religion, and the evidence given on the trial was that it was the religious duty of Roman Catholics to destroy or mutilate any documents reflecting upon their religion. ["Oh, oh!"]

SIR GEORGE BOWYER rose to order, protesting against language which cast dishonour upon every Roman Catholic Member.

THE CHAIRMAN understood that the hon. Gentleman was stating the result of a trial, and was not then giving his own impressions.

MR. WHALLEY said, that the jury gave a verdict against Mr. Turnbull upon the evidence adduced before them that there was an absolute obligation upon Roman Catholics to destroy or mutilate any document adverse to their religion. Before exercising, therefore, such extreme liberality, the hon. Gentleman ought to investigate further.

Vote agreed to.

(15.) £287,798, to complete the sum for Poor Law Commissioners.

MR. DILLWYN wished for an explanation of this Vote, which exceeded by more than £69,000 that of last year.

MR. GOLDNEY said, the inspectors' salaries were £700 per annum, and their personal and travelling expenses were charged as much again, whereas the inspector of schools, who had more duties to perform, only charged £300 per annum for personal expenses.

MR. HUNT said, that inquiries had been made, and a new arrangement for the future was resolved upon. The personal allowance formerly made was to be discontinued, and a salary of £900 given, which was to cover all charges. He hoped that this arrangement would be satisfactory to the public. With reference to the increased charge of £69,000, it was occasioned principally by the extension to Ireland of the system in force in England of grants towards the salaries of Poor Law Officers pursuant to the Resolution arrived at by the House. It was proposed that the Treasury should defray the salaries of schoolmasters and half the salaries of medical officers in Ireland and half the cost of medicines, which would require an addition of £65,000 to the Vote as proposed last year.

MR. CHILDERS hoped that in the ar-

rangement that had been come to with the Poor Law Inspectors there would be no misunderstanding as to the calculation of superannuation on the basis of their salaries. He presumed the Government would institute a rigid inquiry as to the basis upon which they would in future pay the half salaries, &c., of the medical officers for Ireland.

LORD NAAS said, Government were quite ready that the strictest inquiry should be made into the manner in which medical relief was dispensed in Ireland. The effect of the new arrangement would be to place the subject of medical relief and officers' salaries in Ireland on the same footing as in England.

SIR JOHN TROLLOPE thought that as the President of the English Poor Law Commission was now for the first time a Member of the other House, the whole of the business of the Office coming before the House of Commons must be transacted by the Secretary, and it might be proper, under these circumstances, that that Gentleman's condition should be considered.

MR. POWELL called attention to the subject of pauper schools, which, he said, contained upwards of 34,000 children, who were under the care of the State even more than wards in Chancery. A grant for pupil-teachers which appeared in the Votes last year had now disappeared, and that without explanation.

MR. ALDERMAN LUSK called attention to the inequality of the sums voted for education in the three kingdoms.

MR. GOLDNEY expressed his approval of the new arrangements which had been made with respect to the Poor Law Inspectors.

MR. HUNT gave explanations in detail to show that the present system was an improvement on that which it had superseded.

Vote agreed to.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Candlish.*)

Motion, by leave, *withdrawn.*

(16.) £32,158, to complete the sum for the Mint, including Coinage.

(17.) £29,622, to complete the sum for Inspectors of Factories, Fisheries, &c.

(18.) Motion made, and Question proposed,

"That a sum, not exceeding £3,989, be granted to Her Majesty, to complete the sum necessary

Mr. Childers

to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1868, for the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Expenses, formerly paid from the Hereditary Revenue."

Whereupon Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Lusk.*)—put, and *negatived.*

Original Question put, and *agreed to.*

(19.) Motion made, and Question proposed,

"That a sum, not exceeding £4,413, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1868, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland."

Whereupon Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Candlish.*)—put, and *negatived.*

Original Question put, and *agreed to.*

(20.) £11,733, to complete the sum for the Chief Secretary, Ireland, Offices.

(21.) £17,620, to complete the sum for the Office of Public Works, Ireland.

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

House adjourned at a quarter
before Two o'clock.

HOUSE OF LORDS,

Tuesday, May 21, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—Statute Law Revision* (106); District Prothonotaries, Court of Common Pleas, County Palatine of Lancaster* (107); County Courts Acts Amendment* (108).

Second Reading—Sale and Purchase of Shares (74); Contagious Diseases (Animals) (98); Vice President of the Board of Trade (99).

Referred to Select Committee—Tenure (Ireland)* (23); Contagious Diseases (Animals) (98).

Third Reading—Fortifications (Provision for Expenses)* (84), and *passed.*

POOR LAW GUARDIANS—THE GUILDFORD BOARD OF GUARDIANS.

PETITION.

THE EARL OF CARNARVON *presented* a Petition from the Guildford Board of Guardians praying for an Alteration of the Law respecting, and for increasing the Authority of Poor Law Guardians, stating

that their medical officer had been guilty of what was considered by them gross neglect of duty, that they suspended him in consequence, and that the Poor Law Board, after inquiring into the circumstances of the case, had censured his conduct severely and then re-instated him in his office. The Petitioners complained that, in such cases, it was the practice of the Poor Law Board to send as Inspectors gentlemen who, from their absence of legal training and professional experience, were not fully qualified to sift the evidence and determine its real value. This, he thought, was a point that deserved consideration; and he could say, from his own experience as a member of a Board of Guardians, that there had been a great want of legal knowledge exhibited by some of the Inspectors holding office under the Poor Law Board. The Petitioners moreover complained that facts furnished to the Poor Law Board affecting the previous character of this officer, and bearing materially on the question they had to decide, had been suppressed. It was said that the Poor Law Board denied the receipt of those facts; and he believed that there must have been some error in reference to this part of the complaint. The Petitioners desired that larger powers, and especially that of dismissal, should be conferred upon them. It was true that they were already empowered to suspend any of their officers; but if they suspended any officer for neglect of duty and the Poor Law Board re-instated him, the suspension was rather an advantage than a punishment, because the officer did no duty, but obtained nevertheless the whole of his salary in arrear. He merely laid the Petition on the table, and expressed a hope that the noble Lord the President of the Poor Law Board would cause inquiry to be made into the allegations which it contained.

THE EARL OF DEVON said, he had made it his business to inquire into the circumstances to which the Petition referred. He believed that the experience of all their Lordships who were members of Boards of Guardians would satisfy them that, on the whole, the working of the Poor Law system would not be advantaged by lodging the power of dismissal in any other hands than those of the Poor Law Board. The facts were correctly stated in the Petition. The Poor Law Board carefully considered the whole of the evidence laid before them by their In-

spector, and came to the conclusion that though the misconduct alleged against the medical officer deserved censure, it was not grave enough to necessitate his dismissal. It was true that the Inspector in this case was not a lawyer—but one of the two medical men who had been appointed to that office of late years; but his noble Friend would recollect that the whole of the evidence laid before him was submitted to the President of the Poor Law Board, and the other gentlemen, legal and other, connected with the Department, who would not have taken into consideration any evidence which ought not legally to have been admitted. He should feel it is duty to again look carefully over the documents; but his impression, at all events, was that the decision of the Poor Law Board fully met the justice of the case.

Petition Ordered to lie on the Table.

UNITED STATES—THE "ALABAMA" CLAIMS.—QUESTION.

EARL RUSSELL wished to ask the noble Earl at the head of Her Majesty's Government, Whether any final answer had been received from the United States Government in reference to the *Alabama* Claims, or whether negotiations were still going on?

THE EARL OF DERBY said, that the Government of the United States had admitted the principle of arbitration, but as yet no agreement had been arrived at with regard to the points to be referred. Her Majesty's Government asked for a specific statement of the points to be referred to arbitration; but it was contended by the United States Government, on the other hand, that the whole of the correspondence which had passed between the two countries should be submitted to arbitration. Of course, there were questions which Her Majesty's Government could not consent to have so treated; but he might say that the whole of the negotiations had been carried on in a spirit which was likely to lead ultimately to a satisfactory termination.

SALE AND PURCHASE OF SHARES BILL.—(No. 74.)—(*The Lord Redesdale.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD REDESDALE, in moving that the Bill be now read the second time, said,

he had to present to their Lordships sixteen petitions from different Banking Companies in its favour. The Bill had received the almost unanimous support of the Joint Stock Banking Companies throughout the country, and he believed their Lordships would have no hesitation in giving their sanction to its being read a second time. The Bill originated in the other House, and although some objections had been raised to its principle in certain quarters, every division showed a large majority in its favour, and it therefore came before their Lordships with claims to a careful consideration. It had been introduced in consequence of certain transactions which had taken place during the panic of last year, when a dead set was made against various Banking Companies by persons in the Stock Exchange who dealt in the shares of those banks, and caused the prices of those shares to be unfavourably quoted, without possessing a single one of the shares which they pretended to purchase and sell. Such transactions must, under any circumstances, be of a very questionable character, but were most peculiarly unfair with regard to Banking Companies, whose interests certainly required some protection against those who sought, for the furtherance of their own selfish ends, to injure the credit of, if not to destroy the banks which were the subjects of their operations. The hardship upon the proprietors of Joint-stock-Bank shares was greatly increased by the fact that their liability did not cease until three years after they had parted with their shares. It was also against the interest of depositors at their Banks that any unfair prejudice should be created against those establishments. As far as he could ascertain, the principal objection raised against this Bill was that it would impose a restriction upon traffic in the shares of these companies. The best answer to this was that those who had the greatest interest in maintaining the value of these shares, such as proprietors and managers of Joint Stock Banks, were the most anxious that the Bill should be passed. It has been said that this Bill will prove inoperative like Sir John Barnard's Act against time bargains. That Act was repealed because it was not the particular interest of any one to enforce it. In this case the bankers who have asked for the Bill for the protection of their interests will take care that its provisions are attended to.

Lord Redesdale

Motion agreed to: Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Thursday* next.

LORD REDESDALE said, that when the Bill got into Committee he should move that its provisions should be confined to shares of English and Irish banks, and should not apply to Scotch banks which had been included by mistake.

CONTAGIOUS DISEASES (ANIMALS)
BILL—(No. 98)—(*The Lord President.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF MARLBOROUGH, in moving that the Bill be now read the second time, said, it had been brought in for the purpose of continuing the Act relating to contagious diseases in animals, which would expire during the present year, and also for the purpose of introducing some further provisions into that Act which experience showed to be requisite and desirable. In asking their Lordships' consent to the second reading of the Bill, he must remind them of the legislation which had already taken place upon this subject. Parliament had had to cope with a mysterious and fatal disease, which, during last year and the year preceding, had made most fearful ravages among the cattle in this country; and early last Session their Lordships had been called upon to consider the state of the law as regarded the powers which were in the hands of the Government for arresting and for employing remedies for that disease. Their Lordships would also recollect how great were the difficulties they had experienced in introducing efficient remedies for coping with that which was a great national calamity. It was first of all thought that a large measure might be proposed to receive the sanction of both Houses, and that in that measure might be introduced such provisions as would enable Parliament to meet the emergencies as they arose. But it was found on experiment that though very excellent provisions might be framed, yet in their application there would be so much difficulty, affecting as they did such varied interests in the country, that it would be impossible to legislate by Act of Parliament for emergencies as they arose, and that it would be more desirable on all accounts to give powers to the Privy Council to frame orders and regulations as they

might be necessary to meet emergencies. It might not be without interest to know that the course forced on them by the necessity of circumstances was the same as that adopted by Parliament above 100 years ago. He found that in 1745, when cattle plague broke out in this country, and continued it ravages for eleven or twelve years, Parliament being met together and called on to consider the measures that should be adopted, various Resolutions were passed and a Bill was brought in founded upon them. Powers were given to magistrates to order the slaughter of diseased cattle, and clauses were added in Committee to empower justices in quarter sessions to grant licences for collections for the immediate relief of "poor sufferers" by the distemper, and to enable the King to lay a penalty on the importers of raw hides. Considerable discussion then took place as to a clause which was proposed to prevent driving infected cattle from one county into another. A division was taken upon the adjournment, which was carried by 57 to 44. This seems to have decided the fate of the Bill; for on the same day a second Bill was introduced—

"To enable His Majesty to make rules, orders, and regulations more effectually to prevent the spreading of the distemper which now rages among horned cattle in this kingdom."

This Bill was passed with the utmost expedition through both Houses, and received the Royal Assent on the 13th of February. It was rather a remarkable circumstance that about 120 years after that event the very same course should have been taken by Parliament. Finding the impossibility of introducing a satisfactory measure, the attempt was abandoned, and power was given to the Privy Council to deal with cases as they arose. He need not remind their Lordships of the Act passed last year. Its principal feature was to order the slaughter of all diseased animals; following that Act various Orders in Council had been passed from time to time, so that they now numbered upwards of 140. All of these related to contagious diseases; 132 related to cattle plague; and of these fifty-eight Orders, or parts of Orders, were still in force. That was the state of the case at present as regarded Orders in Council. These Orders in Council, in conjunction with the enactment ordering the slaughtering of diseased animals, had produced a most favourable and beneficial effect. As regards slaughtering of animals, the results had been most re-

markable. The Cattle Plague Commissioners stated in their third Report—

"The Act authorizing slaughter came into force on the 20th of February, and, as will be seen, the diminution in the number of attacks in successive weeks was not only coincident with the action of the new restrictive measures, but runs a course closely parallel to the operation of the most important of these measures—slaughter. Taking Yorkshire as a fair indication of the success of these measures, it was found that on the 6th of January, 1866, there were 2,028 fresh attacks; that number continued varying to the 18th of February, when it was 1,836; but after the Act the number fell, on the 3rd of March, to 1,193, and on the 7th of April there were only 330 attacks."

He could not omit the opportunity of doing justice to the wisdom of the Commissioners who were appointed to investigate this subject as to their recommendations for the slaughtering of animals—particularly as on one occasion he had taken a contrary view. He must confess that the view he then took had been proved by the event to be erroneous, and no measure, under Providence, could have been more successful in stopping the progress of the disease than slaughtering the cattle. Having referred to what had been done in former times with regard to the outbreaks of cattle plague, it was curious to find that in 1771 the practice of slaughtering had been employed with marked success. The cattle plague broke out in 1745; in 1771 there was a fresh attack, and by adopting the strong measure of slaughtering the cattle attacked, it was put a stop to. He held in his hand a letter written by Dr. Layard to M. Garnier, *Chargé d'Affaires* in France, from which he would read, with their Lordships' permission, a somewhat long extract—

"Inasmuch as at the end of the year 1769 and in the spring of 1770 this disease appeared in the county of Southampton in England, and in the county of Banff in Scotland, where it had spread through the medium of infected skins and ballots of straw for packing purposes also infected, the English Government ordered that wherever this disease evinced itself the magistrates, called the justices of the peace, should assemble and immediately cause all the cattle on the premises to be valued, the healthy as well as the diseased, and to be killed without any bloodshedding, and to be buried about six feet deep, without slashing their skins, as was the former practice; taking care, by means of stakes driven into the ground by the side of the carcass in such a manner that the dead animal should be fastened in the pit so that it could not be removed; then, having completely covered it with the earth, and having stamped the earth down with the rammer, to have sentinels posted there to watch for several days, in order that the peasants or others may not in any way disinter the

carcasses for the purpose of obtaining the skins. The reason why they no longer slash the skins is from fear of the purulent matter of the abscesses flowing from the incisions, the vapour of which abscesses infects the air and the clothes of the assistants; and, through the medium of dogs and certain substances, equally communicates the disease to neighbouring cattle. Care is taken at a certain distance from the contagion to separate the healthy beasts, and to place them in remote pastures, forbidding them to be restored without permission to do so. It has also been forbidden to convey them there from an infected place, and if it is discovered that they have passed by such a place in spite of the order they are pursued, as actually happened in the county of Surrey, and, without awaiting the slightest symptom or the permission of the owner, they are all killed on the very spot where they have been caught. By such means the English Government have put an end to that cruel disease which threw the whole nation in the greatest confusion, and incited the King and his Government as much as the subjects to neglect nothing in freeing themselves from it. Providence permitted that at a small expense, below £2,000, a disease which had cost the English nation between 1774 and 1756 £212,400 odd should be seen to disappear entirely."

The other Orders in Council related to the movement of cattle; and it was, perhaps, hardly known to what extent the benefit derived from them had gone. The regulations connected with the movement of cattle were intended to affect merely cases of cattle plague; but the incidental benefit which arose from them had been very great indeed, not only with reference to the cattle plague but to other diseases most fatal in former years, which had now almost disappeared. It had been supposed that cattle plague was the most destructive disease that could visit the country; but pleuro-pneumonia was still more so. In the Appendix to the fifth Report of the Medical Officer of the Privy Council it was stated that in 1845 the "Agricultural Cattle Insurance Company" was formed, which was joined by five other companies afterwards. Insurances were effected at the rate of £300,000 weekly for a length of time. In three years there were £10,000,000 worth of stock insured. In their Report of 1848 they state that nearly three-fourths of their losses were due to pleuro-pneumonia. This Company was compelled to wind up its affairs in 1861. Mortality among cattle appears to have increased year by year, as the insurance Companies commenced by assuming that 3½ per cent would cover all possible losses, but were eventually obliged to increase their premium to more than double this amount, and yet came to ruin. Professor Gamgee, the writer of the Report, estimated that in the year 1860 there died of disease in the United Kingdom

374,048 horned cattle, and that more than half this loss was from pleuro-pneumonia. The average loss for the six years ending 1860, is estimated at upwards of 166,000 head from pleuro-pneumonia alone. Bearing these facts in mind, it was gratifying to know that the effect of the Orders in Council passed in reference to the cattle plague had not only stopped it, but pleuro-pneumonia as well. There was a Report on the subject from Professors Simonds and Brown, dated the 6th of March, 1867, who, referring to the answers to a circular which had been forwarded to the veterinary surgeons of England, Scotland, and Wales, remark that—

"It appears from the statements of those veterinary surgeons who have replied that pleuro-pneumonia and foot and mouth disease prevail only to a slight extent, which they very generally attribute to the effect of the restrictions which have been imposed upon the movements of cattle. The regulations affecting animals sent to the Metropolitan Market have had a powerful influence in preventing the extension of infectious diseases; and although instances of pleuro-pneumonia and mouth and foot disease are much less frequent in the market than they formerly were, little doubt can be entertained that these affections would again be carried to different parts of the country by infected beasts, were the regulations at present in force to be withdrawn. From all we have observed in our inspections, and from the evidence obtained from veterinary surgeons and agriculturists, we see no reason to doubt that the continuance of certain restrictions upon the movement of stock, with the view to prevent the exposure in fairs and markets of animals affected with contagious diseases, would be attended with the best results."

Various Reports had come in from different counties, all expressing a similar opinion. Another remarkable circumstance, as regards the social comfort of the people of this country in connection with the restrictions imposed on the movement of cattle, was well worthy of mention. It was gratifying to find that the restrictions necessary to prevent the spread of this disease had not had any injurious effect in raising the price of meat, as shown by the quotations of the metropolitan markets. The average price of beef from the 1st of January, 1866, to the 24th March, was 6½d. per lb., and from the 27th of April to the 26th of May, 1866, when the disease was raging at its height, and the restrictive Orders were in full force, the price was exactly the same, namely, 6½d. per lb. Various Orders had been passed prohibiting the importation of sheep from Belgium, and cattle from other parts of the Continent; nevertheless, the price of meat had not been materially affected by those Orders. It was therefore gratifying to know that the Orders which had

had the effect of diminishing and almost annihilating the cattle plague, and which had also been incidentally beneficial in greatly neutralizing other complaints of a serious character, had not materially interfered with the supply of the necessities of life to the community. There was one point on which great interest centred. A serious outbreak of the cattle plague had broken out in the metropolis, where it was difficult to carry out the regulations with respect to the movement of animals. The recent outbreak of cattle plague in the metropolis had, he feared, been aggravated by one great omission in the Orders of Council—the absence of a provision prohibiting the movement of cattle in the metropolis without a police licence. In consequence of that omission great infringements of the law had taken place, and animals had been moved about that ought not to have been permitted. He believed that there existed a general opinion that the increase of the cattle plague in the metropolis within the last month was attributable mainly to the omission he had referred to. The other day the Privy Council issued an Order prohibiting the removal of cattle to or from market in the metropolis without a police licence, and its operation, he believed, had given great satisfaction. A great deal of fear, however, was entertained in reference to importations, and it was thought that all animals ought to be slaughtered at the ports of entry. The endeavour of the Privy Council had been to take every possible precaution with respect to the importation of animals. At the same time, the supply of food to the people was a matter that should not be overlooked, and it was deemed not possible in every case to slaughter animals at the port of entry, without seriously affecting the price of meat. The object should be to apply at the ports of entry regulations which would insure the cattle being brought under inspection, so as to prevent any diseased cattle from being sent up to London. By such an arrangement a great advantage would be secured, and he did not believe that any danger of infection would be incurred. The object of this Bill, the second reading of which he now proposed, was to continue the existing Act; but in consequence of the experience derived in the application of the Orders of Council with respect to the removal of cattle, it had been thought desirable to introduce some other regulations into the measure. It was proposed to continue the existing

Acts for three years, during which period the experiment would be made of those statutory provisions with respect to the removal of cattle. One very important provision of the Bill was that which gave to the Privy Council power, for the purposes of the Act, to declare any disease which made its appearance among cattle or other animals, contagious or infectious. It was possible that other diseases besides the cattle plague might, from the facilities of communication now existing, reach this country from abroad. No doubt there were cattle diseases in Russia the nature of which were not yet known in this country; and therefore it was thought highly desirable not to limit the provisions of the Bill to the cattle plague alone. There was another important point he wished to advert to. The existing Acts made it obligatory on the several counties, during the existence of cattle plague, to maintain an efficient system of inspection; but when the plague ceased they had no power to appoint permanent inspectors. Now, as it was known by experience that the cattle plague might at any moment make its appearance, it was thought desirable that this Bill should contain an enactment requiring the local authorities to keep a competent inspector, who would have power to enter premises wherever he suspected that the cattle plague existed, and who would be required to make a Report immediately to the Privy Council. Another important change was made by the Bill in the present law. Under the present Act a place was not considered an infected place until it was declared so by the local authority; but the Bill enacted that when an inspector found that the cattle plague existed in a place, that place should be deemed *ipso facto* to be an infected place; and it was not left for the local authority to declare the place infected. In some cases, the local authorities had been unwilling to declare a place infected, in consequence of the inconvenience resulting from such a declaration, in respect to the movement of cattle. At the same time, the Privy Council would have the power to vary the limits assigned to infected places, and to declare places to have ceased to be infected. Another important point was that the Bill authorized places to be declared infected in which the cattle plague had existed within the previous seven or eight days. The present law only required the declaration to be made in respect to places where the cattle plague existed at the time. The effect of this

had been that when the cattle plague manifested itself the infected animal or animals had been killed, and then the disease could no longer be said to exist there. He now needed only to mention one or two points connected with the duties thrown on the police by the Bill. It would be their duty to apprehend persons by whom its provisions were infringed very much as the existing law enabled them to do. Stringent regulations were also laid down to prevent false declarations from being made in respect to certificates. At present the greatest difficulty was experienced in following up those declarations when fabricated; so that many of the certificates for the removal of cattle were rendered practically useless to prevent the spread of disease—in fact, the grossest infringements of the law constantly took place, and with impunity—for the law gave no power to punish fraud of this kind. He had now stated the general provisions of the Bill, and he hoped it would meet the approval of the House. It was impossible to review the course of events with regard to the great national calamity to which it related without bearing testimony to the willingness of the people, in all parts of the country, to put their shoulders to the wheel in the endeavour to assist the Government in carrying out the law for the general good. It was to that co-operation that the success which had attended their efforts was mainly to be attributed, and he trusted that by continuing the course of legislation which had hitherto been adopted the further spread of this calamitous disease would be effectually prevented.

Moved, "That the Bill be now read 2^a."
—(*The Lord President*.)

EARL GRANVILLE said, he did not think it necessary to trouble the House by entering into a discussion of the details of the measure, especially as he understood it would be referred to a Select Committee, where those details could be more conveniently dealt with. There could be no doubt, he might say, that the restrictive legislation of last year had been productive of great good in checking the spread of the cattle plague. He was glad to hear that the Bill contained provisions in reference to other diseases, such as pleuropneumonia and other lung complaints. As regarded the slaughtering of cattle there could be no doubt that where the plague existed there was no other way of stop-

The Duke of Marlborough

ping it; and if, in 1865, the Government had possessed that information which had since been obtained the plague might by the slaughtering of cattle have been stopped at an earlier period. The questions of the importation and non-removal of cattle were surrounded with difficulty, and he must confess that he looked upon it as a matter of impossibility that a system of absolute non-removal could be carried into effect. These, and other points, however, might be very well considered by the Select Committee.

LORD BERNERS supported the second reading of the Bill, observing that he thought it would give great satisfaction to the farmers throughout the country, inasmuch as it furnished evidence that the Government were quite alive to the dangers by which they were beset. He would draw the attention of the Government to the necessity of very stringent regulations being laid down with respect to the importation of cattle; for it was now well known and understood that it was from imported cattle that the plague had been originated and renewed in this country. He thought also that most stringent measures must be taken by the Privy Council with regard to the movement of cattle within the metropolis. The largest butchers at the West End had no difficulty in transporting their meat in the best condition to the metropolis from places at a considerable distance where it had been slaughtered.

LORD LYVEDEN hoped the noble Duke would exercise considerable caution before he conferred larger powers on the Inspectors. Great difficulty was experienced in his part of the country in procuring officers of that class who were fit for the performance of their duty.

After a few words from Lord EGERTON of TATTON, which were not heard,

In reply to The Earl of KIMBERLEY,

THE DUKE OF MARLBOROUGH stated, that the Government had not taken into their consideration the expediency of so extending the provisions of the Bill as to include Ireland. The law, as it stood, was, he believed, adequate to meet any emergency so far as that country was concerned. As to the Inspectors, if it should be represented to the Privy Council that any Inspector was incompetent, they could remove him on that ground. As the Bill was to be referred to a Select Committee all these objections might be considered and remedied.

Motion agreed to: Bill read 2^a accordingly, and referred to a Select Committee.

And, on May 23, the Lords following were named of the Select Committee:—

Ld. President	L. Boyle
Ld. Privy Seal	L. Walsingham
E. Doncaster	L. Delamere
E. Spencer	L. Feversham
E. Romney	L. Portman
E. Granville	L. Stanley of Alderley
V. Eversley	L. Egerton.

VICE PRESIDENT OF THE BOARD OF

TRADE BILL—(No. 99.)

(*The Duke of Richmond.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said, the object of the measure was to abolish the office of Vice President of the Board of Trade and substitute in his stead a Secretary of that Department, with power to sit in Parliament. The Vice President of the Board occupied a very anomalous position. He had the same rank and precisely the same salary—namely, £2,000, as the President, and when the President was absent he was paramount; but when he was present he was really nothing. The President had no power to desire the Vice President to do anything, nor could the Vice President claim to be allowed to do anything while the President was present. In that state of things it had been thought advisable to introduce a Bill abolishing the latter office, reducing his salary to £1,500, and giving him the rank of Secretary to the Board of Trade; thus placing him in the same position as the Parliamentary Secretary to the Poor Law Board.

Moved, "That the Bill be now read 2^a."
—(*The Duke of Richmond.*)

LORD STANLEY OF ALDERLEY asked whether it was true that Sir Emerson Tennent had retired upon a full pension from the office of permanent Secretary to the Board of Trade, although he was perfectly competent to perform its duties, and that another gentleman had been appointed to that situation who could hardly be supposed to be as well qualified for it, having recently come from Australia. There seemed to be a waste of public money also incident to such an arrangement. He should be glad to know likewise what were the reasons for the change in organization of the Department.

THE DUKE OF RICHMOND said, that if the noble Lord had been good enough to give notice of his questions he should have been in a position to answer them; but all those alterations took place before he went to the Board of Trade, and therefore he was not now able to afford the noble Lord the information he required. However, he could state that none of the alterations alluded to had any reference whatever to the Bill which their Lordships were now asked to read a second time; he believed they were founded upon a Report containing the results of an inquiry into the state of the Department. The late Government, he understood, had in contemplation a thorough revision of the Department in order to ascertain any and what changes should be made in its internal economy.

EARL GREY said, former experience proved that the old arrangement of that Department was not inconvenient when properly worked, and there was no doubt that under its existing constitution the business of the Board could be well carried on. There was no advantage in changing the name of a public officer. It was of no consequence whether he was called a Vice President or a Secretary. What had really to be considered was his qualifications and his efficiency. No doubt, the constitution of our Public Departments might be improved; but petty alterations of that kind ought not to be made without some adequate reason for them being assigned.

THE EARL OF DERBY said, the most convenient mode of satisfying the minds of noble Lords on the points which had just been raised would be by laying on the table for their perusal copies of the Report on that subject which had been placed before the other House of Parliament. He might add that the Bill had passed the other House without opposition.

EARL GRANVILLE suggested that, besides the Report in question, other documents should be laid before their Lordships showing what had been done by the Board of Trade in re-modelling the whole Department.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on Thursday the 30th Instant.

STATUTE LAW REVISION BILL [H.L.]

A Bill for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary—Was presented by The LORD CHANCELLOR; read 1^a. (No. 106.)

DISTRICT PROTHONOTARIES COURT OF COMMON
PLEAS, COUNTY PALATINE OF LANCASTER,
BILL [H.L.]

A Bill to authorize the Appointment of District Prothonotaries of the Court of Common Pleas of the County Palatine of Lancaster, and to provide for the better Despatch of Business therein—Was *presented* by The Earl of Devon; read 1^a. (No. 107.)

COUNTY COURTS ACTS AMENDMENT BILL
[H.L.]

A Bill to amend the Acts relating to the Jurisdiction of the County Courts—Was *presented* by The LORD CHANCELLOR; read 1^a. (No. 108.)

House adjourned at half past Six
o'clock, to Thursday next,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 21, 1867.

MINUTES.] — SELECT COMMITTEE — On Sea Coast Fisheries (Ireland) *nominated*,

SUPPLY—*considered in Committee*—Class II—Salaries and Expenses of Public Departments. Class III—Law and Justice.

Resolutions [May 20] *reported*.

PUBLIC BILLS—*Ordered*—Municipal Corporations (Metropolis); Habeas Corpus Suspension (Ireland) Act Continuance (No. 2).

First Reading—Municipal Corporations (Metropolis) [166]; Habeas Corpus Suspension (Ireland) Act Continuance (No. 2) [165]; Local Government Supplemental (No. 2)* [167].

Second Reading—Game Preservation (Scotland) [65]; Game Laws (Scotland)* [116].

Referred to Select Committee—Game Preservation (Scotland) [65]; Game Laws (Scotland) [116].

Committee—Sale of Land by Auction (*re-comm.*) [94]; Army Enlistment* [147].

Report—Sale of Land by Auction (*re-comm.*) [94]; Army Enlistment* [147].

Third Reading—National Debt* [114]; Hypothec Amendment (Scotland)* [100], and *passed*.

Withdrawn—Registration of Voters [136.]

ARMY—ROYAL ENGINEERS.

QUESTION.

SIR BENJAMIN GUINNESS said, he would beg to ask the Secretary of State for War, If he will furnish to the House a Return of the names of the Civil Officers of the Royal Engineers who have died on foreign service during the past ten years; and, why their widows have not had pensions allotted to them, as is the case with

the widows of the other officers of the Royal Engineers, and whether the Government purpose to make them such provision in future?

SIR JOHN PAKINGTON, in reply, said, he should be happy to give a list of the names asked for. With respect to the second Question of the hon. Baronet, his answer was that those officers referred to were under the Superannuation Act, and therefore were not entitled to the advantages alluded to.

NEW PRESIDENT OF THE POOR LAW BOARD.—QUESTION.

COLONEL FRENCH said, he would beg to ask Mr. Chancellor of the Exchequer, If it is true that Lord Devon has been appointed President of the Poor Law Board; and, having regard to the 8th Clause of the Act 10 & 11 *Vict.* c. 109, by which the existing Poor Law Board was created, which declares that the appointment of President shall not be deemed such an office as shall render the person holding it incapable of sitting in the House of Commons, and considering since the creation of the office up to the present time it has been uniformly held by representatives of the people, Mr. Charles Buller, Mr. Baines, Sir John Trollope, Mr. Bouverie, Mr. Sotherton Estcourt, Lord March, Mr. Villiers, and Mr. Gathorne Hardy, have not all former Governments acted on the principle that the office should be filled only by persons directly and immediately responsible to the House of Commons?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is very true, as the right hon. and gallant Gentleman has stated, that since the first institution of the office of President of the Poor Law Board it has uniformly been held by a Member of the House of Commons, till the last appointment. But I think there is no doubt that the right hon. Gentleman is in error if he supposes that in this clause—the 9th, not the 8th clause—of the Act 10 & 11 *Vict.*, there is any intention to curtail the powers of the Prime Minister to distribute the appointments of his Cabinet to those serving under him in any particular House of Parliament. The language to which the right hon. Gentleman refers was of a permissive character merely, showing that this new place might be held by a Member of the House of Commons. It is perfectly true that Lord Derby has thought it expedient to recommend to Her Majesty that

Lord Devon should be appointed President of the Poor Law Board, and in doing so I can state most sincerely that Lord Derby was only influenced by one desire—namely, that the new President should be the person best fitted to hold that office. Considering the general capacity of Lord Devon, his wide experience of public affairs, particularly the affairs of this Department, in which for many years he served with distinguished ability as Secretary, I think his is an appointment that Parliament will approve and that the country will have confidence in. The House of Commons, in my opinion, cannot complain that Lord Derby, in the formation of his Administration, either now or at other times, has shown any disposition to underrate the importance of his Cabinet being strongly represented in the House of Commons. Notwithstanding some vicissitudes which we did not anticipate, there are, at this moment, in addition to the office which I have the honour to hold, and which necessarily is in the House of Commons, four Secretaries of State, and the First Lord of the Admiralty still seated in the House of Commons. I may, perhaps, be permitted to say, for my own part, that although, as a general rule, I think it very advantageous that a Department should be represented by its chief, I am not in favour of pertinacious adherence to the hard and harsh rule that a subordinate Member of the Government, if he has shown himself capable of the performance of the duties, should be entirely precluded under all circumstances from representing his Department in this House. I think it is for the advantage of the public service that such representation should occasionally take place. And of this we have an instance in the arrangements consequent on the fact that two Departments are no longer represented in this House, as they formerly were, by the responsible Ministers of the Crown. With regard to my right hon. Friend the Vice President of the Board of Trade, I may say that the manner in which he has performed his duties has been such as is not only creditable to himself, but commands, I think, the confidence of the House of Commons. So, also, of my hon. Friend the Secretary to the Poor Law Board, who now has an opportunity of showing the abilities which we believe him to possess, I may assert that his general acquaintance with business, his business-like habits, and the propriety with which he can communicate to the House his views upon any

subject on which the House has a right to expect that those views will be laid before them, render the appointment one that will, I think, be received with approval.

MR. BOUVERIE : Having had an opportunity of serving with the present Lord Devon in the same Department of which he is now at the head, I must say, from my knowledge of that nobleman, that a more unimpeachable appointment could not be made. Lord Devon has a perfect familiarity with the business of that Department, but his acquaintance with its detailed working does not constitute a recommendation stronger than the business capacity and courtesy which he invariably displays. I am satisfied that if Lord Derby had hunted round both sides of either House of Parliament for a proper man to fill the office he could not have hit upon anybody more likely to fill it with satisfaction to the public than the Earl of Devon.

NAVY—NAVAL SAVINGS BANKS.

QUESTION.

MR. KINNAIRD said, he would beg to ask the First Lord of the Admiralty, Whether the Government intend to extend the operation of the Naval Savings Banks to all the ships in the Mediterranean Squadron, and to the Navy generally, and when?

MR. CORRY, in reply, said, the experiment of establishing savings banks on board Her Majesty's vessels had been tried with success on board the *Victory*, Lord Clarence Paget's flag-ship in the Mediterranean. During the first three months of its establishment there were 292 depositors, and the amount deposited upwards of £3,500. The result had been considered so satisfactory by the Admiralty that they had directed the establishment of savings banks on board all the ships composing the Mediterranean squadron. They were not, however, prepared to extend them generally throughout the navy until they had had further experience.

IMPORTATION OF FOREIGN CATTLE.

QUESTION.

MR. CORRANCE said, he wished to ask the Vice President of the Committee of Council on Education, When he proposes to bring in his Bill for the better regulation of the Importation of Foreign Cattle; and, whether it is the intention of Her Majesty's Government to take into consideration the

expediency of appointing Quarantine Ports for store stock, as well as the slaughter of fat stock at the place of disembarkation, coming from places known to be infected?

LORD ROBERT MONTAGU said, the Order for the appointment of quarantine ports was passed on the 10th of November, 1866, and the Order for the slaughter of cattle at the place of disembarkation on the 26th of May in that year. Therefore the two provisions which the hon. Member desired to see carried out had already been fulfilled. It was quite true that an exception was made with regard to the Metropolitan Cattle Market, because there was great difficulty in supplying that market with a sufficient quantity of meat. An Order had been passed permitting cattle to be sent direct from the ports of Southampton, Harwich, and London, to the cattle market for the purpose of immediate slaughter, but under restrictions which it was supposed would prevent the spread of the cattle plague. With regard to the other part of the Question, any port might be made a quarantine port if desired, but the expense was so great—no less than £2 per head—that importers were not very eager to see a port turned into a quarantine port.

MR. READ said, he wished to know, whether it is intended to compel the slaughter of cattle at the place of disembarkation?

LORD ROBERT MONTAGU said, that under the Order he had just alluded to, all fat stock imported from abroad had to be slaughtered at the port of disembarkation, except at the three ports he had named, and from those places they must be sent direct to the Metropolitan Cattle Market.

MR. CORRANCE said, he wished to ask the noble Lord when he intends to bring in his Bill for the better regulation of the importation of foreign cattle?

LORD ROBERT MONTAGU said, the Bill had been introduced into the House of Lords in order to save time, owing to the press of business in that House, arising from the protracted discussions on Reform. He believed the second reading of the Bill would be taken in the other House in about three-quarters of an hour.

EDUCATION IN AMERICA AND CANADA.

QUESTION.

MR. POWELL said, he wished to ask the Vice President of the Committee of

Mr. Corrance

Council on Education, Whether it is proposed to delay the publication of the Report upon the state of Education in America and Canada, addressed by the Rev. James Fraser to the Middle-class Schools Inquiry Commission, and the Commission appointed to inquire into the Schools in Scotland, and transmitted by the last-named Commissions with their Report (see p. xxi.), but not published therewith?

LORD ROBERT MONTAGU said, in reply, that all the Reports of Royal Commissioners came within the province of the Home Department alone, and he was not able to give, in consequence, a very precise answer to the Question. He understood that the Scotch Commission had had this Report in type before them; and they had made frequent allusions to it in their Report, which was laid on the table on the 15th of this month. He saw Mr. Fraser's Report about half an hour ago, and he had been informed that it would be kept back until the Middle-class Schools Inquiry Commission had made their Report.

MILITIA RESERVE BILL.—QUESTION.

MR. OWEN STANLEY said, he would beg to ask the Secretary of State for War, If his Royal Highness the Commander-in-Chief had ever been consulted about the 8th Clause in the Militia Reserve Bill, and given his sanction to it; and, if the late Secretary of State for War had handed the Clause over to the right hon. Baronet, or approved it?

SIR JOHN PAKINGTON, in reply, said, the Bill which contained the clause alluded to was not sent to the Commander-in-Chief until after it was printed, and therefore he could not say that His Royal Highness was consulted with regard to it. He found on inquiry that the Bill was drawn subsequently to the resignation of his right hon. and gallant Friend the Member for Huntingdon (General Peel.) As the hon. Gentleman appeared to be so much disturbed about this clause, he would beg to remind him there was nothing new in it. It was at this moment the law of the land, for by the 125th section of 42 Geo. III. c. 90 of the Militia Act, a militiaman who deserted might be sentenced by court martial to serve in Her Majesty's regular forces.

IRELAND—RELIEF OF THE POOR.

QUESTION.

MR. REARDEN said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to introduce a Bill this Session to amend the Act for the Relief of the Poor in Ireland, to the extent of granting outdoor relief, in like manner as under the Act for the Relief of the Poor in England and Wales?

LORD NAAS said, in reply, that a larger power existed in Ireland than in England for granting outdoor relief, and he could assure the hon. Gentleman there was no intention on the part of Her Majesty's Government to propose any alteration in that law.

TENANTS IMPROVEMENTS (IRELAND) BILL.—QUESTION.

MR. O'BEIRNE said, he rose to ask the Chief Secretary for Ireland, Whether he intends to proceed with the Tenants Improvements (Ireland) Bill this Session; and, if he does, whether he will fix a day to resume the Debate?

LORD NAAS, in reply, said, he hoped, if possible, to proceed with the Bill this Session; and as soon as the state of public business would permit he should ask his right hon. Friend the Chancellor of the Exchequer to give him a day for the purpose.

IRELAND—THE FRANCHISE.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he is aware that in Ireland no property not exceeding £4 in value is rated; and therefore that the proposed Parliamentary Rating Franchise could not devolve on occupiers in that country at or below that amount; and, if so, whether he proposes to establish a lower Parliamentary Franchise in England than in Ireland?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the first Question of my hon. Friend appears to me not to be stated in exactly correct language. It assumes that no property in Ireland not exceeding £4 in value is rated; but I believe I am right in stating that all property in that country under £4 in value is rated. Therefore, the foundation of my hon. Friend's first question is incorrect. With regard to the

second Question, Whether Her Majesty's Government propose to establish a lower Parliamentary franchise in England than in Ireland, I think it would be more convenient if my hon. Friend would wait till my noble Friend the Chief Secretary for Ireland brings forward the Irish Reform Bill; but, at the same time, I may be permitted to remind my hon. Friend that for the last five-and-thirty years the franchises in England and Ireland have not been identical.

ECCLESIASTICAL TITLES ACT.

QUESTION.

MR. NEWDEGATE said, he would beg to call the attention of Mr. Chancellor of the Exchequer to the List of the Gentlemen whom the hon. Member for Meath proposes to nominate on the Select Committee on the Ecclesiastical Titles Act, and he would beg to ask the right hon. Gentleman, Whether a Minister of the Crown or a Law Officer ought not to be placed on that Committee?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, his attention had been drawn to the constitution of this Committee. He regretted that the names had been placed on the Paper before he had been afforded an opportunity of approving the constitution of the Committee. He concurred with his hon. Friend that it was desirable to have a Minister of the Crown among the Members; and he had already taken some steps with that view.

ADJOURNMENT OF THE HOUSE — THE DERBY DAY.

THE CHANCELLOR OF THE EXCHEQUER having stated that an adjournment over to-morrow (the Derby Day) would occasion no inconvenience to public business, it was ordered—

That the House, at rising, do adjourn till *Thursday*.

MUNICIPAL CORPORATIONS (METROPOLIS) BILL.—LEAVE.—FIRST READING.

MR. J. STUART MILL, in moving for leave to bring in a Bill for the establishment of Municipal Corporations in the several districts of the Metropolis, said, he did not do so in any spirit of hostility to the Report of the Committee relative to the Local Government of the Metropolis, of which Committee he had the honour of being a Member. It was true he had disagreed from the

majority of the Committee on several of their Resolutions, but as a whole their Report had his general concurrence, and he considered it a great step in the progress of this question. The Committee, in the first place, freely acknowledged existing defects; and, in the second place, it recognised the general principles upon which, in his opinion, a reform of those defects should proceed. It recognised that good municipal institutions for the metropolis must consist of two parts—namely, local bodies representing districts, and a general body representing the metropolis at large—the latter to take the place of the present Board of Works. Neither was his Motion framed in hostility to the Board of Works. It might at least be said for the Board that it had been appointed to perform a great and laborious work, and that it had actually done that work. The Report proposed increased powers and an improved mode of election for the general Board; and with regard to the local district bodies, the Report considered the present districts to be too small, and virtually recommended the abolition of hole-and-corner local government. The Report might be considered in that and other respects as an outline of what municipal reformers desired; and the Bill he proposed to introduce would do something towards filling up that outline with regard to the local bodies only. He had given notice of his intention to ask for leave to bring in a Bill for the establishment of a central federal municipality for the whole of the metropolis, but he was not yet prepared with that Bill, and he should not ask the House to read the present Bill a second time until he was able to lay before them the entire plan. The plan he was now about to propose was not his own, but originated with one of the most important vestries in Westminster, and it had obtained the warm support of many of the leading vestrymen of the metropolis. He had no hostility to the vestries. Our parochial institutions, with all their defects, had done great things for the country. They had carried down to comparatively low grades of society a familiar acquaintance with the forms of public business and the modes of carrying it on, and in consequence this country possessed an advantage which, perhaps, no other country (except the United States) enjoyed—namely, that when circumstance call for the expression of an opinion by a collective body of citizens, there are numerous persons who know how that

opinion should be collected and expressed. These merits could not be denied to our local system; but that system, as established in the metropolis, appeared to him to be on too small a scale. The Report of the Committee did not recognise that fact to so great an extent as he could have wished, and therefore he ventured to propose his plan. The Committee said that the districts of the metropolis were too small and inconvenient in some cases. He (Mr. Stuart Mill) believed they were too small in all cases, and that the municipal boroughs of the metropolis ought to be conterminous with the Parliamentary boroughs. He thought it necessary that the municipal districts should be of considerable extent, and highly desirable that they should also be units in themselves. Unless the districts were considerable they were always more or less a kind of hole-and-corner government. It was a common fallacy, now going the round of Europe, but still a fallacy, that the mere circumstance of a body being popularly chosen was a guarantee that it would conduct its proceedings on popular principles. His faith in popular governments did not depend on their being popularly elected. The real value of popular institutions consisted in the popular power of correcting mistakes, and enforcing responsibility to the people. Owing to this responsibility, it would not be possible for any body long to retain its position if it habitually exercised its powers contrary to the public interest as generally understood. Another point was that the greatest attainable publicity should be secured to the business transacted by these bodies; but when the business was on a very small scale it did not excite much attention. The check was not effectual unless the business was of such a nature that the public eye would be fixed on it. It was further desirable, for the sake of greater publicity, that not only should the district be of considerable magnitude and the business important, but that the districts should, if possible, be natural units in themselves, or at least, should be units for other purposes than this special one. The importance of this was, that it would tend to induce a higher class of men to enter these bodies. Three of the metropolitan boroughs (the City, Westminster, and Southwark) were, if not natural, at least historical units; the other districts, though of more recent origin, were gradually acquiring an *esprit de corps*, and a

Mr. J. Stuart Mill

sense of common interest. It had been at first thought desirable that an additional district should be created out of parts of Marylebone and Finsbury. The great importance, however, of making the municipal and Parliamentary boundaries coincide, had led to the abandonment of this idea, except so far as regarded the formation of a new police district, there being at present no police-office between Marlborough Street and Worship Street in the extreme east. The Bill provided for the division of the Tower Hamlets; but this would be dealt with by the Bill for the Representation of the People. He should not ask the House to read the Bill a second time till he had introduced the remainder of the plan of which it formed a part. Whatever merit the plan had, and that merit appeared to him to be considerable, it belonged entirely to his constituents who originated the plan. He himself had no part in it except that, at his own special request, he was permitted to introduce it to the House. He now begged to move for leave to bring in a Bill to establish Municipal Corporations within the Metropolis.

MR. AYRTON said, that as he had had the honour of presiding over the two Committees appointed, the one in 1861 to inquire into the Local Government of the Metropolis, and also over the Committee appointed in the last and continued during the present Session, he wished to make one or two remarks on the proposition now submitted to the House by his hon. Friend the Member for Westminster. He need hardly say that, in consequence of his holding the position as Chairman of these Committees, he had received a great number of suggestions for improving the local management of the metropolis. A great number of schemes had been put forward, varying from the extreme of a Minister of the Crown, with a suitable staff of officials under him, and abolishing all local institutions and popular forms of government, to the other extreme of a purely democratic administrative body. Among those schemes that which had just been submitted to the House came under the consideration of the Committee of 1861, and he (Mr. Ayrton) confessed that after giving to it all the attention which a proposal of so elaborate a character deserved, the Committee were, he believed, generally of opinion that it was a proposal which could not with advantage be entertained. He had not since seen any reason to alter the conclusion at

which the Committee then arrived. It appeared to him that the establishment of a number of corporations in imitation of that of the City of London would multiply rather than diminish the existing evils. It seemed to him that instead of an efficient government and administration being secured under such a system, there would rather be a tendency to degenerate into those errors and evils which it would be desirable to eradicate from the corporation of the City of London. But while he did not think it necessary to encourage this proposal, yet it appeared to him that very great changes might be advantageously made in the administration of the local affairs of the metropolis. He thought, however, that, in considering what ought to be done, there was one question which ought to be first determined, and that was what ought to be the nature of the central and general administration, and proceeding from that one might be enabled to find out by what means the local administration should be carried on. But his hon. Friend the Member for Westminster proposed to introduce a measure for the local administration without favouring the House with any proposal for the general administration of the affairs of the metropolis. In that respect he thought his hon. Friend had inverted the right order of things. He could conceive nothing more calamitous than having a number of corporations in the metropolis jealous of one another, to a certain extent fighting with one another for supremacy and control, and none of them—unless the hon. Member should bring in a complete scheme—under proper subordination. The Committee of this year, having the advantage of the deliberations of the Committee of 1861, and the evidence which had been taken last year and in the present, had arrived at the general conclusion that it was desirable there should be a strong and efficient central administration, elected to some extent on popular principles and partly appointed on other grounds, so as to avoid the extreme the hon. Member for Westminster had so properly deprecated; and he (Mr. Ayrton) thought that popular election was, perhaps, not altogether the best means of constituting a satisfactory body for the administration of the affairs of the metropolis. It was impossible to disguise the fact that this city differed materially from all other cities in the country, inasmuch as it was the seat of the Government and of the Parliament,

and the Committee therefore thought that the local administration should be kept in due subordination to the central authority so as to prevent the great inconvenience experienced in times past from the want of harmonious action. The mode in which those local authorities should be constituted, and the area over which they should have jurisdiction, were matters it was not easy to determine. Some might think that the largest parishes were quite large enough for local municipal bodies; some might think that contiguous parishes might be annexed to them; but it was impossible to lay down any general rule with great confidence. Whether Marylebone or St. Pancras were large enough for a municipality was matter of opinion. Whether it would be desirable to add to St. Pancras half-a-dozen other parishes, or whether Marylebone should be added to St. Pancras, was a matter on which it was exceedingly difficult to arrive at a definite conclusion. Experience taught that these large parishes were fairly administered; we had no experience to show that larger districts could be better administered; and there did not seem to be any necessity for changing that which had been proved to be good, for that of which we had no particular knowledge. It was not desirable now to examine the Report of the Committee in too much detail, because it concluded with the suggestion that the Government should bring in a Bill to carry out its recommendations, and until the Government had an opportunity of considering that Report and submitting a measure the question was hardly ripe for discussion in that House. In the present state of business it was quite clear no progress could be made with the consideration of the subject in the present Session; and it was therefore undesirable to prolong a debate which could not lead to a practical conclusion. It would be found that the plan recommended by the Committee afforded the means of dealing practically and efficiently with the administration of the metropolis, so as to prevent the recurrence of those causes of dissatisfaction which so often and so justly had been brought under the consideration of the House.

MR. LOCKE said, that having been on the Committee from its commencement with the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) and also during the time the hon. Member for Westminster (Mr. Stuart Mill) had been on the Committee, he wished to make one or

Mr. Ayrton

two observations. He quite agreed with the hon. and learned Member for the Tower Hamlets that it was useless to discuss the question further; because, although one scheme for the better administration of the metropolis had been propounded in the most lucid manner by him, and another by the hon. Member for Westminster, he (Mr. Locke) believed that the House did not understand anything at all about it. It was a complicated question, which had occupied attention for several years; a vast amount of evidence of a very contradictory nature had been taken; and any hon. Member reading the Report would have great difficulty in understanding how it was to be carried out. The hon. Member for Westminster seemed to think that the metropolis ought to be divided into seven or eight municipalities, each to be framed under the provisions of the Municipal Corporations Act. There would be great difficulty in this, because each of the proposed Corporations would have its own police and its own government. It was admitted by the hon. Member for Westminster that there was a certain prestige about the City of London; besides which the City had a great deal of money. But this was not all. The Corporation had, likewise, a staff of officers ready to carry on the business, not only of the Corporation as it at present existed, but also of the Corporation with any extension even to the whole of the metropolis. He (Mr. Locke) had a plan to suggest. It was that the Lord Mayor should remain the head of the City as now; that the metropolis should be divided into wards, each having an Alderman, and each sending members to the Common Council; and that the Corporation of the City of London should thus administer the municipal affairs for the whole metropolis. This was no novelty; for in olden times the Corporation was in the habit of adding to itself by taking in surrounding districts, which then became component parts of the City of London. The borough of Southwark was one of these. Edward VI., by a charter, handed Southwark over to the Corporation of the City of London, with the intention that the City of London should include Southwark in it as a ward. But the Corporation never fulfilled its duty and only appointed an Alderman, but no Common Council. In fact, they took what was given them; they gave nothing in return. Bishopsgate and Cripplegate Without were fully incor-

porated with the City although outlying districts. If a similar plan were now adopted he believed the existing difficulty with regard to the metropolis would be effectually met. The Alderman and Common Council now perform duties in their ward, and those duties might be extended under the system he suggested. His views were coincided in by the City Chamberlain, who had given evidence to that effect before the Committee. They had a large Corporation, which had discharged its duties for hundreds of years, and they ought to consider whether its jurisdiction might not be extended for the benefit of the metropolis at large.

COLONEL HOGG said, that they had now had three schemes propounded—one by the hon. and learned Member for Westminster, another by the hon. Member for the Tower Hamlets, and now a third by the hon. and learned Member for Southwark; but he did not think the matter had been much elucidated by any of the three. He agreed it would be a difficult thing to provide municipalities all over the metropolis. If the metropolis were divided into a number of municipalities with Aldermen and Common Councilmen it might be apprehended that their operations would clash, and each individual body would want to be considered at the head of the rest. Difficulties also would arise from their not being in possession of large funds. He did not see how the proceedings of vestries could be called “hole-and-corner” doings, for the members were elected publicly in pursuance of advertisement; the meetings were open, and the proceedings were duly reported in newspapers, which at least were read by those who were interested in local affairs. Some of the vestries were constituted of a respectable body of men, and he was associated with one vestry, which he had had pleasure in working with, and the members of which worked well together for the public interests. So far as he knew them vestries had worked well. The hon. Member for Westminster thought the municipalities would work better. But whether vestries or Corporations, the same men would be elected, and calling a man an Alderman would be nothing. Besides, some people, who would do the work well, would not like to be called Aldermen. Many Gentlemen would rather discharge public duties in a quiet way, and he did not think that the right men would be induced to come forward by one name

more than by another. The hon. Member said the Corporations would get a better class of members than the vestries. He (Colonel Hogg) did not want to see all the members of a superior class. He liked to see all classes represented. He liked to see the gentlemen; he liked to see the upper class shopkeepers; he liked to see the lower class shopkeepers; he liked to see the professional men. With such a union of interests public business would be carried on much more satisfactorily than it otherwise could be.

COLONEL SYKES would remind hon. Members that the prestige of the municipalities of the City of London arose from its honourable place throughout all our history in the defence of the liberties of the people, and in this way they had rendered no small service to the progress of the nation. In one of the most important crises the nation had ever undergone the five Members of the Long Parliament found refuge in the City of London from the tyranny of Charles; and on many eventful occasions they had been the first to call forth the spirit and energies of the people. It seemed to him a strange way of asserting the principle of local self-government to overthrow the oldest and most famous local government in the world.

MR. GATHORNE HARDY said, that of course he should offer no opposition on the part of the Government to the introduction of the Bill. On the contrary, the Government would be glad to see the mode in which the hon. Member proposed to deal with this question. The House owed a great obligation to the Committee which sat so long and paid such attention to this subject, and it was especially indebted to the hon. and learned Gentleman (Mr. Ayrton) who had presided over the Committee. Of course, the House would not expect him to say what steps the Government would take in the matter. The Report of the Committee had only been a short time in their hands; now the Bill of the hon. Gentleman (Mr. Stuart Mill) would soon be before the House; probably the hon. and learned Member (Mr. Locke) would oblige them with his plan; and the hon. and gallant Member (Colonel Hogg), who might be said to represent St. George's, Hanover Square, would also probably make his suggestions. If, with all this information before them, the Government could see their way to doing any good they would be very glad to deal with the subject. But it was one of extreme complication, it

was one upon which metropolitan Members themselves did not agree; and all he could promise was that the Government would consider the various schemes placed before the House before coming to any conclusion.

MR. J. STUART MILL, in reply, observed, that he believed the Bill would be approved of by the City when its provisions became known.

Motion agreed to.

Bill for the establishment of Municipal Corporations within the Metropolis, *ordered to be brought in* by Mr. MILL, Mr. THOMAS HUGHES, and Mr. TOMLINE.

Bill presented, and read the first time. [Bill 166.]

IRELAND—MAGHERAFELT ROMAN CATHOLIC CHURCH—THE SALTERS' COMPANY.—MOTION FOR AN ADDRESS.

MR. O'REILLY rose to call attention to the circumstances under which the Salters' Company had refused a site for a Roman Catholic church in Magherafelt, and to move an Address to Her Majesty on the subject. This great Company, the annual income of whose estates in Londonderry amounted to £15,000 a year, of which sum £8,000 was contributed by Roman Catholic tenants, had given a site to the Established Church, with a grant of £4,000 and £10 a year; it had given a site to the Presbyterians, with a contribution of £1,200; and the seceding Presbyterians had also received, or were expecting, a site and a money contribution. The Roman Catholics, however, who had only a small wretched church more than a mile outside the town, wholly incapable of accommodating the worshippers who desired to attend the services, had repeatedly applied in vain for a site in the town, and had even been refused permission to buy a site, though they contributed one-half the rental of the Company. The parish priest, with some of his parishioners, had an interview with a deputation of the Salters' Company upon this subject on the 21st of July, 1865. After some months, the memorialists were informed that the charter of the Company prevented them from granting a site for a Roman Catholic church, inasmuch as that by the terms of the charter, the Company were obliged to encourage Protestantism and to discourage Popery in the North of Ireland. That sort of policy might have been considered suitable to the condition of Ireland 300 years ago; but was it wise to revive the

remembrance of such things at present? He begged to move an humble Address to Her Majesty praying—

"That she will be graciously pleased to revoke such portion, if any, of the charter of the Salters' Company as impedes the obtaining of a site for a Roman Catholic church on their property."

MR. COGAN, in seconding the Motion, said, he felt confident that the sense of the House and the force of public opinion would be sufficient to secure a remedy for the state of things complained of. If the large estates held in the North of Ireland by London Companies who knew nothing of the conditions of the country were managed on the same principles as those of the Salters' Company, the sooner Parliament interfered the better.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to revoke such portion, if any, of the Charter of the Salters' Company as impedes the obtaining of a site for a Roman Catholic Church on their property at Magherafelt."—(Mr. O'Reilly.)

COLONEL FRENCH said, the hon. Gentleman was quite right in bringing this matter before the House. It seemed to him most extraordinary conduct to refuse a site for a place of worship, and would never be sanctioned by that House, which was not particular about interfering with the rights of property where the public interests were concerned.

MR. PEEL DAWSON said, it was his lot to reside upon an estate immediately adjoining that of the Salters' Company in the county of Londonderry, and he was therefore acquainted with all the parties to this transaction, and with almost every one who signed the petition to the Company. The Roman Catholic Church of Magherafelt was the recognised place of worship of the great majority of his Roman Catholic tenants, and of the servants in his own household of that persuasion. He felt therefore a very strong personal interest in this matter, which he hoped would be speedily brought to a satisfactory termination. He would at once say that the Roman Catholic Church at Magherafelt was incommensurate, inconvenient, and totally inadequate for the respectable performance of Divine worship for a congregation numbering about 500. It was about three-quarters of a mile distant from the town of Magherafelt, but was situated in the centre of the estate, and he did not see any valid objection to the present site.

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He had, however, often seen—particularly in the summer months—numbers of people kneeling outside in the graveyard in a direct line from the door. Upon all grounds therefore a new and more commodious building was desirable, and he acknowledged it as a lamentable fact that when this matter was deliberated upon by a full court of the Salters' Company in 1865, the necessary facilities were not afforded. The refusal, however, was, he believed, not directed against the general wish of the inhabitants to provide themselves with a more suitable place of worship, but rather against the particular site which had been applied for, and was insisted upon. Magherafelt was a respectable town of about 1,600 or 1,700 inhabitants, and was already ornamented with two magnificent structures, one belonging to the Established Church, the other to the members of the Presbyterian body, to the erection of which the Salters' Company had liberally subscribed. Now, both the Established and the Presbyterian Churches had fine tall spires, and it was rumoured that if the particular site in question was granted it was in contemplation to build a church of such amplitude as would overtop and overshadow the two Protestant structures; so that, in fact, Magherafelt would throw Coventry into the shade, whose spires might be seen at twenty miles' distance. He was of opinion that a special inadvertence had been committed by the Company in the terms of their refusal, for reasons had been alleged which were hardly in accordance with the present state of civilization and the spirit of advancing toleration. He believed the Company would re-consider the matter at any time, and would be ready to abandon any course of action springing from obsolete provisions in their charter. If they acted strictly in accordance with those provisions they would have to build forts and discipline troops for the Crown, so that strict adherence to a 17th century charter would be obviously absurd. In justice to the Company he would read a letter which he had received from its representatives in reference to the subject. The letter detailed the course the Company had pursued from the time the inhabitants of Magherafelt first petitioned for a site to a deputation from the Company visiting Magherafelt in 1865; the answer made was that the Company did not think it expedient to grant a site for a new chapel in the place indicated. The letter also stated

that fresh ground had already been granted for an extension of the burial ground of the existing chapel which was in a very central position on the Company's estate, that the Company had shown itself well-disposed to the Roman Catholics by the donation of £20 a year towards the stipend of the Roman Catholic parish priest, and by similar donations towards the salaries of the school teachers. The letter promised a favourable consideration of any proposal to extend the site of the present chapel, and would take into consideration any matter brought forward on the occasion of the Company's biennial visit to the estate. As therefore there seemed to be a prospect of gaining compliance on the part of the Company with the request of their petitioners, he hoped the hon. and gallant Member would not press his Motion, especially as its subject—a question between a company of landlords and their tenants—was scarcely germane to the ordinary functions of the House. Personally, he hoped that the Roman Catholics of Magherafelt would soon have a new and commodious church, and he would be found among the list of subscribers to it. Concluding, he remarked that the Salters' Company had unfortunately succeeded as proprietors to a family (Sir Thomas Bateson's) conspicuous for its liberality; indeed, that family's generous treatment of its tenants had scarcely ever been equalled, and never surpassed. At this time even the family was held in grateful remembrance by the people of the district, and it was centred in the person of the present representative of the family sitting behind him. But to show that the Company was not a hard master, he mentioned that it had caused only three evictions in Magherafelt and four in the country parts, all on account of non-payment of rent, and that it had paid £18,000 through the Estate Office as an earnest of tenant-right between outgoing and incoming tenants.

MR. MAGUIRE thought that the best course that could be pursued would be to withdraw the Motion. He admitted that the Company had behaved with liberality to their tenants; but, at the same time, there was no question that they had raised the rent considerably higher than it was under the Bateson family. He did not deny that the owners of property had rights; but, at the same time, they had reciprocal duties.

MR. O'REILLY, expressing a hope that the Company would act in the manner in-

licated by the hon. Member for London-derry, said he would not press his Motion.

Motion, by leave, *withdrawn*.

ECCLESIASTICAL COMMISSIONERS— NON-CAPITULAR STIPENDS.

MOTION FOR PAPERS.

MR. BENTINCK rose to call attention to the mode in which the Ecclesiastical Commissioners have dealt with the claims of the Non-Capitular Members of Cathedral and Collegiate Churches to increased stipends; and to move for Copies of the Questions which have lately been issued by the Ecclesiastical Commissioners to the Non-Capitular Members of Cathedral and Collegiate Churches and the Replies thereto. The Cathedral foundations were of two kinds—the old, existing before the Reformation, and the new, established after that period. In the year 1864 an Act was passed by which the minor corporations of the old cathedrals were enabled to surrender their estates to the Ecclesiastical Commissioners for commutation payments. Last year a clause was introduced in a Bill, empowering the Commissioners to deal with the claims of members of the new cathedrals; and in June a number of such claims were preferred. Some of the claimants, to their great surprise, found that no action had been taken with respect to their claims until February last. A few months ago a Committee was formed to investigate those claims, and certain Queries were sent out; but he understood that no steps were to be taken in the matter until all the answers had been received and all the claims had been investigated. Now very great injustice would arise from the adoption of that course. He anticipated that his right hon. Friend near him (Mr. Mowbray) would answer him by saying that this was a large question, and that nothing could be done until the whole matter had been investigated. But if his right hon. Friend would refer to the 18th section of the Act, he would find that power was given to the Ecclesiastical Commissioners, where there were surplus revenues at their disposal. In some of these cases there was no surplus; but where there were such sums, and the claims were of a pressing nature, they ought to be taken into consideration at once. In some cases no inquiry at all was necessary, for the matter was fully before the House. He would take the case of Carlisle, respecting which a correspondence had taken

place between Mr. Livingston, one of the minor canons, and the Ecclesiastical Commissioners; that case had been established by evidence taken before a Committee of this House, by Returns, and by public correspondence; but it appeared from the last letter, written in 1865, the Commissioners had declined to take any action. The case of the minor canons of Carlisle was one of peculiar hardship. Some few years ago the Dean and Chapter surrendered their estates for a commutation payment of £5,800 a year, and then reduced the number of minor canons to two, giving them only £150 a year each, without residence, or allowance for residence. Now, his right hon. Friend must be well aware that two minor canons were quite insufficient for the discharge of the duties which they were required to perform. It had hitherto been the opinion of the Ecclesiastical Commissioners that these questions could not be dealt with except through the Chapter; but having heard that the Dean and Chapter of Westminster were about to surrender their estates to the Ecclesiastical Commissioners, and that a scheme was in course of preparation, and knowing that the non-capitular members of that foundation, and especially the chorister boys, were anxious their interests should be protected, he wrote to the Ecclesiastical Commissioners, asking them whether they would take care that under the new scheme the boys should receive payment in accordance with the spirit of the statutes; but the Commissioners replied that any action which might be taken on the subject would be independent of the transaction then pending with the Dean and Chapter. Now that answer was in direct contradiction of the letter which had been addressed to Mr. Livingston, and so opposed to all the previous policy of the Ecclesiastical Commission, that he was anxious to have some distinct declaration on the subject as regarded the future. Under all the circumstances he hoped the Government would grant the papers, and do justice in the best and most speedy manner.

MR. THOMSON HANKEY supported the Motion. There were other cathedral cities besides Carlisle that were specially interested in this question. He desired to call the attention of the right hon. Gentleman (Mr. Mowbray) to the case of Peterborough Cathedral. He had received a letter from one of the minor canons, pointing out the miserable stipends they received. He believed that the authorities

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did not like to have old minor canons, whom they regarded as an inconvenience; but they ought to remember that old age must be an inconvenience to those canons.

MR. MOWBRAY said, he had no hesitation in acceding to the Motion of his hon. Friend the Member for Whitehaven (Mr. Bentinck), although he could not quite understand his hon. Friend's complaint. His hon. Friend had gone back to the year 1840; but the question in the case really arose on the construction of the Act passed last Session, which was wholly of a discretionary character. That Act had not received the Royal assent till almost the last moment of the Session; and as the Ecclesiastical Commissioners were in the habit of separating in the month of August for their vacation, it could not be considered by them till November, when they resumed their meetings; but the episcopal members of the Board did not attend at that season of the year; so that it had been necessary to postpone action till February. The question was a large one, and affected all the cathedrals in England; but his hon. Friend might depend upon it that the Commissioners would continue to give it their most careful consideration.

MR. W. H. HODGSON believed that the minor canons of Carlisle had a very good claim on the funds, and the right hon. Gentleman had not shown any reason why they should not receive a share of the money. He thought that the clergy connected with a cathedral had the first claim on money which arose out of the cathedral property. The income of the minor canons was very small, and he could bear testimony to the satisfactory manner in which they discharged their duties. He hoped some alteration in their position would be speedily effected.

Motion agreed to.

Copies ordered, "of the Questions which have lately been issued by the Ecclesiastical Commissioners to the Non-Capitular Members of Cathedral and Collegiate Churches, and the replies thereto."—(Mr. Bentinck.)

HABEAS CORPUS SUSPENSION (IRELAND) ACT CONTINUANCE (No. 2) BILL.

LEAVE. FIRST READING.

LORD NAAS, in moving for leave to bring in a Bill to further continue for a limited period the Habeas Corpus Suspension (Ireland) Act, said: I am sure

that the events which have been taking place in Ireland during the last few months must have prepared every Member of the House for the proposal which I now submit—namely, that the Habeas Corpus Suspension Act should be continued for a limited period. I can assure the House that only a deep conviction that such a step is absolutely necessary in the interests of the peace of the country would induce me to propose this measure. The events of the last few months are so fresh in the memory of the House that it would only be taking up its time to refer to them at any length. An organization, which has existed for four or five years, in spite of every precaution that could be taken by the Government, culminated on the 5th of March in a most abortive attempt at insurrection—an attempt which from its utter want of success would have been ludicrous, but that the disturbances occurred at so many places, were so widely spread over the land, and so many persons took part in it. Its existence may be said to have lasted but a few hours. Soon after dark on Shrove Tuesday night a number of men appeared in arms in various parts of Ireland, and committed in many ways decided and unmistakable acts of treason. But so destitute was the movement of vitality or of any element of success that by twelve o'clock on the following Thursday there were not five-and-twenty men to be found assembled in arms against the Queen's authority in any part of Ireland. I believe that result was brought about very much by the precautions taken by the Government and by the loyal population of the country, and also by the extraordinary fidelity, courage, and loyalty displayed by the Irish constabulary. To the constabulary I think the country owes a deep debt of gratitude, for wherever any attempt at disturbance took place these faithful and loyal men were found at hand in sufficient force, unaided, to arrest the progress of revolution. I also believe that had it not been for the power which the suspension of the Habeas Corpus Act had placed in the hands of the Government the suppression of this insurrectionary movement might have been much more difficult. The existence of this power in the hands of the Government enabled us, several days before the outbreak took place, to seize and imprison several persons who have turned out since to be prominent leaders of the conspiracy, many of whom had arrived

in Ireland but a short time before for the purpose of taking part in the outbreak. The result was, that the insurrectionary movement was paralysed throughout Ireland; and when the long threatened attempt was made, those who were to have taken a leading part in it were already in custody. I am happy to say that, at this moment, so far as we can see, there appears to be every sign of a complete collapse in the organization; but there are also symptoms which show that the utmost precaution, and the most constant vigilance, is still necessary. In proof of this, I will refer to a circumstance which occurred in Dublin a few days ago, when a man was induced to accompany some of his companions to the banks of the canal, and was there set upon and fired at repeatedly. It was quite evident that those persons who committed that act supposed that Aylward had been giving information, and they made a most desperate attempt to take his life. Nothing can show the fear and terror which this organization creates in the country more than the fact that though this young man has been in custody some days, he has shown no disposition to give up the names of those persons who attacked him, although they must be perfectly well known to him; on the contrary, he has shown every disposition to keep his secret, and it is quite clear that the terror and fear under which he is labouring will prevent him from making any effort to bring his assailants to justice. There is a considerable number of persons in custody at present under the Lord Lieutenant's warrant, and it would be most unwise and most unsafe to release those persons suddenly; and I believe their release could not be effected at once without considerable danger to the safety of the public. I can assure the House that, according as this movement shows signs of decay—as soon as the Government are assured that these men can be released with safety—they will be gradually set free; because we have always held it as our opinion that the powers of the Act should not be exercised for purposes of punishment, but only for the purpose of placing under restraint those persons whom the Government are perfectly satisfied are conspiring against the welfare of the State. It is not my wish at present to enter into any question which might give rise to debate or to difference of opinion. On a future occasion there will be ample opportunity for any Gentleman who desires to do so to

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express his opinion upon the subject. I think it my duty, however, to state very shortly the number of persons in custody, and to put the House in possession of all the information on this subject which I possess. The number of persons now in custody under the Lord Lieutenant's warrant amount altogether to 211. The number of arrests that have been made since I last addressed the House on the subject on the 26th of February has been 142; but among those persons are several who have already been sent to trial and dealt with according to the law of the land. Since that time thirty-one persons have been released from custody; and, I am happy to say, that the last arrest the Government found it necessary to make, under the powers of this Act, were made on the 23rd of April, nearly a month ago. I think that may be regarded as a favourable symptom in this respect—that it shows that the means which have been taken have already been sufficient to repress this movement. A great deal has been said with regard to the number of persons released by the present Government, and a question was put to me the other day which appeared to indicate an opinion that the Government had acted in an unwise manner in releasing so many prisoners last autumn. The figures I will now bring under the consideration of the House will show, I think, that the releases then made were not made without due consideration, and were attended by no evil consequences to the State. The total number of arrests that have taken place since the Habeas Corpus Act was first suspended, in February, 1866, is 961, and of those 778 have been released by the late and present Governments. The present Government, as well as the late Government, gave instructions to the constabulary to keep a particular watch over those persons who had been released; so that over that class a more than ordinary vigilance was maintained. But although in every case in which sufficient evidence was obtained orders for re-arrests were issued, not more than twenty-six out of the 778 persons released have been re-arrested; and those figures show that the course taken by the Government in releasing that large number of people was not attended with any special disadvantage, and has exercised a cautionary influence over them. I propose, with the sanction of the House, that the operation of this Act shall extend to the 1st of March next. When the Government proposed the re-

newal of this Act in February last, I was particularly anxious that Parliament should have an opportunity during the present Session of expressing an opinion upon the subject. If there was any likelihood that Parliament at a shorter period than that I have mentioned would be enabled to deal with the question I should have had no objection to fix upon that term. But looking to all the circumstances of the case, looking to the period of the Session and the necessity that exists for its prolongation, I believe the House will best perform its duty by continuing the Act until the period when we shall have the earliest opportunity of considering the subject after the re-assembling of Parliament. When I moved the suspension of the Habeas Corpus Act in August last I made a similar proposal, believing that Parliament could thus again direct its attention to the matter at the most convenient opportunity if the Government of the day should think that any necessity for such a course existed. I earnestly hope and believe, however, that when that time arrives it will be found that those extraordinary powers will no longer be necessary; and I am persuaded that by now continuing the authority vested in the Government, and which they have endeavoured to exercise in a manner that has met, I think I may say, with approbation, we shall take that course which is the most likely to put an end at the earliest possible moment to that conspiracy and that organization which have proved so great an evil and so bitter a curse to our country. The noble Lord concluded by moving for leave to bring in a Bill to renew for a limited period the Habeas Corpus Suspension (Ireland) Act.

MR. MAGUIRE said, he would not offer any opposition to the Motion, but he trusted the noble Lord would take the second reading at a time which would afford them an opportunity of discussing so important a subject.

Motion agreed to.

Bill to further continue the Act of the twenty-ninth year of the reign of Her present Majesty, chapter one, intituled, "An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend and detain for a limited time such persons as he or they shall suspect of conspiring against Her Majesty's person and Government," ordered to be brought in by Lord NAAS and Mr. ATTORNEY GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 165.]

GAME PRESERVATION (SCOTLAND)
BILL.

(*Mr. McLagan, Sir William Stirling-Maxwell,
Mr. Fordyce.*)

[BILL 65.] SECOND READING.

Order for Second Reading read.

MR. M'LAGAN, in moving that the Bill be now read the second time, said, that as he had addressed the House at some length in asking for leave to bring in the Bill he need not now detain them at any length. There had been few objections to the principal clauses of the Bill. The proposal that the jurisdiction should be taken from the Justices of the Peace and given to the sheriffs, and that the decision of the sheriffs should be final, had met with general approval. The objections which had been raised were to the 3rd clause, which proposed that hares and rabbits should be struck out of the game list. By doing this, it was said, poaching would be encouraged, and trespassing would also be increased. But those who made this objection seemed not to be aware that there existed in Scotland a very stringent Trespass Act, which provided that anyone who leaped a fence, or who made his cattle or horse leap a fence, shall be fined £10 Scots; and if this law was not sufficient to prevent trespassing, there was another mode of preventing it, quite irrespective of the Game Laws, and that was by taking out an interdict against the trespasser. Now, if he had to choose between the present Game Laws and the interdict, he would choose the interdict as the more stringent of the two. But he did not propose to repeal the Game Laws by this Bill. They would be as much in force as ever. His great object was to reduce the number of hares and rabbits. It was not these animals that poachers went in search of, they preferred higher game. Besides reducing the number of hares and rabbits, the Bill would have the effect of improving the relationship between landlord and tenant, and putting an end to excessive game preservation, which was calculated to prevent the progress of agriculture in those districts in which it existed, and tenants were not inclined to invest that amount on their lands which they would otherwise do. He trusted, therefore, considering all the circumstances of the case, the House would consent to the reading of this Bill a second time. He did not wish to see the game

in the country exterminated. His desire was that there should be a sufficient number to afford fair and legitimate sport ; and for this reason he asked for this small concession from the landlords. And let them remember that a timely concession was always a wise step. The resistance to just demands but increased the opposition. He asked the House to assist him in putting down a system which was unjust in itself, a temptation to the poor, an agricultural grievance, and a national loss.

CAPTAIN SPEIRS, in seconding the Motion, said, that the question of the Game Laws in Scotland had reached that point at which some legislative interference was necessary ; and he thought that satisfactorily shown by the fact that there were before the House two Bills, one proposed by the hon. Gentleman the Member for Linlithgow, and the other by the noble Lord the Member for Haddingtonshire (Lord Elcho), proposing to deal with this question. No one seemed to suppose that the existing state of the law could long continue, and he feared that unless it were settled, and settled speedily, the dissatisfaction now arising between the landlord and tenant, and which was now only commencing, would increase to a degree that all would be sorry to see. Therefore, he thought it their duty on this occasion to take the two Bills before the House, and consider which was the most deserving of support. The tenant-farmers in Scotland were the class most particularly interested in this question, and they had worked very hard to bring it under the attention of the House. Looking at their general knowledge and at the petitions that had been presented, they could come only to one result—namely, that there was a general preference for the Bill of the hon. Member for Linlithgow ; and there was no doubt why that preference was so strongly expressed. The grievance these tenant-farmers complained of was the destruction committed by the hares and rabbits, and the remedy was provided in the 3rd clause of the Bill, which struck hares and rabbits out of the game list. It did not follow that if this clause was adopted, therefore hares and rabbits would be extirpated. Their numbers would no doubt diminish, and this was a concession which ought to be made to the well-grounded grievance of the tenant-farmer. He should therefore cheerfully support this Bill on two grounds—first, that it was calculated to do good in its provisions ; and secondly, it was the Bill

of the two which was calculated to afford a settlement of the question.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. M'Lagan.*)

MR. MONCREIFF said, the subject of the Bill was undoubtedly one of the greatest importance, and also one of very great difficulty. The Bill related to a question between landlord and tenant—not to any question between the landlord and the public. After the best consideration that he had given to the subject, it appeared to him that this Bill and the Bill of the noble Lord the Member for Haddingtonshire (Lord Elcho) should be referred to a Select Committee, in order that they might see whether, without unduly interfering with the contract between landlord and tenant, some relief could not be given in what were in some cases undoubtedly very great and perhaps growing evils. But he could not help thinking that this question of landlord and tenant could only be satisfactorily settled by good feeling between them. His hon. Friend the Member for Renfrew said he thought this a subject for legislation ; and to a certain extent it might be so. But no legislation would regulate the relations between landlord and tenant half so well as mutual co-operation and mutual respect. Those alone could secure the results which they desired to see ; and he thought the very worst thing to do in the relation between landlord and tenant would be for the law to interpose between the agreements which landlord and tenant might choose to make. Neither could he suppose that the hon. Gentleman (Mr. M'Lagan) was altogether opposed to game preservation. Whatever else might be said of it, the love of sport, and all that sport implied, had been of more benefit to Scotland than to almost any other country. It had enlarged their markets, brought an influx of many persons who would not otherwise have come, had brought a great deal of traffic to Scotland which was not there before, and had been of great benefit. It would therefore be a great mistake to make an onslaught on the Game Laws. The love or the power of sport kept proprietors or occupiers resident. On the other hand, sport should be sport—and it seemed to him that the present complaints had arisen from spoiling sport ; but they could only look for a remedy for this

Mr. M'Lagan

by the good sense and good feeling of the people. As regarded the Bill, in the first place he objected to it because it was a Bill eminently in favour of the poacher. The adoption of the proposition to take hares and rabbits out of the game lists would be tantamount to extirpating game. It would be impossible by the mere law of trespass to prevent a poacher coming upon land for the purpose of taking game. The result would be that night poaching, especially in some districts, would become so prevalent that the preservation of game would become impossible. The crops of the tenants, too, would become more damaged by the depredations of the night poachers than by the swarms of hares and rabbits which might abound in their neighbourhood. He agreed with his hon. Friend opposite that it would be right to give the tenant a power of keeping down hares, for by that method he was convinced the tenant would become his own game preserver. There was one provision in the Bill which he thought would be very useful, and that he would strongly recommend for adoption, and that was removing these kinds of cases from the justices to the sheriffs. It was impossible not to say that the mode of deciding cases between landlord and tenant, in which the landlords alone were judges, could not be good. He would, moreover, suggest that, to prevent litigation between landlord and tenant, in case of damage being committed, the amount of that damage should be estimated by a valuator, to be appointed by the sheriff. He thought that with much that was valuable in the Bill there were also some other matters that merited stricter inquiry, and it was his intention to move at the proper time the reference of this and another Bill upon the same subject, also on the Paper, to a Select Committee.

LORD ELCHO said, he had intended himself to propose the reference of the two Bills to a Select Committee. His intention arose from no hostility to the measure proposed by his hon. Friend. He thought his hon. Friend had done quite right in bringing this Bill before the House, although he did not believe his proposals were those which it was most advisable to adopt. It seemed to him that the right hon. Gentleman, the late Lord Advocate, hit the right nail on the head when he said they must look more to public opinion than to legislation. He (Lord Elcho) remembered when he first put up as a

candidate in 1847, a gentleman came down from London to oppose him on the subject of the Game Laws; and from that time up to the present the subject had been more or less discussed, and he did not know whether it was in consequence of the subject being discussed at farmers' clubs, but latterly there had been more discussion, and it was now considered that something should be done. But he strongly thought that the hon. Gentleman in his mode of dealing with the question was not on the right tack, and he had ventured in his Bill to take a different tack, though he had the same object in view. His hon. Friend proposed four clauses, of which three were in favour, not of the farmer, but of the poacher. One of those clauses removed hares from the Game Law, so that a man might destroy hares on another man's land without being prosecuted for killing game. The usual jurisdiction was abolished not in the interests of the farmer, but of the poacher; and the same might be said of the abolition of the cumulative penalties. Whatever his hon. Friend might say, there could be no doubt that if the law of trespass were the only remedy provided, the damage to the crops would be serious, and the result in the neighbourhood of large towns perfectly terrible. The first to complain of the alteration in the law would, he believed, be the farmers themselves. They had heard a good deal lately, in connection with Hyde Park, about the impossibility of putting the law of trespass into operation, and it would be absurd to imagine that an interdict could possibly be taken out at the quarter sessions against a poacher. As an instance in support of his argument, he might state that an hon. Baronet, a Member of that House, possessed a large estate on which he did not preserve the game. That hon. Baronet received a petition from his tenants asking him to preserve the game and employ keepers, because their lands were overrun with poachers. In America, where there was no lack of freedom, stringent laws were made in each State not only for the preservation of game, but even for the preservation of small birds; and in France, though a *permit de chasse* could be obtained from the Prefect of a district—who declares when the season opens and when it closes—the person so licensed could shoot only on grounds where he had the permission of the owner, and if he pursued game elsewhere he could be brought before the nearest magistrate, and his gun

would be confiscated. He maintained, therefore, that his hon. Friend had not adopted the right way to deal with this question in the Bill which he had brought before the House. His own Bill, on the contrary, had been framed on a different principle. The law of England vested the game in the occupier, and the law of Scotland in the owner of the soil. As the occupier of the land was the one who suffered from any depredations that might be committed, he proposed to give him the control of the game, and thus to assimilate the law of Scotland in that respect to the law of England. He proposed to give the owner the right to enter and kill game. This had been criticized as inconsistent, and as making a difference between the law of England and that of Scotland; but if the object were to diminish game, there could be no objection to the landlord helping the tenant. His Bill would not effect much, but it would put the tenant in a better position. Legislation could not do much as between landlord and tenant. In a letter to the tenant farmers of Great Britain the hon. Member for Birmingham had said—

“No change in the law can do as much for you as you may do for yourselves. At present the right to the game is in your hands, unless you consent to transfer or reserve it to your landlords. When you take a farm, and you give up the full control of all that lives upon it, you sign over your own subjection to the system against which you so loudly and justly complain.”

This was the truth of the question; it was entirely a matter of arrangement between landlord and tenant. The hon. Member for Aberdeenshire (Mr. Fordyce), whose name was on the back of the Bill, had led the tenantry of the country to believe he was prepared to go further than it did, to regulate contracts, and perhaps to prevent landlord and tenant entering into any private contract for the preservation of game. The hon. Member had wisely abstained from attempting to give effect to his views. The question of jurisdiction in poaching cases was one which he had carefully avoided in his Bill, because he did not wish to overload it. He hoped that the two Bills would be sent before a Committee, and that the result would be the production of a Bill that would do away with much of the unkindly feeling that existed between landlords and tenants. He admitted that the hare was a social evil in Scotland now, in that it caused so much bad blood; but his own feeling was that this was a question of

Lord Elcho

private agreement and that it could be settled without coming to Parliament at all, first by not preserving to the extent that was done in some places, next by landlords agreeing to give their tenants hares and rabbits, on the understanding that the tenants will help the landlords to preserve the winged game.

SIR WILLIAM STIRLING-MAXWELL said, the hon. Member for Linlithgowshire (Mr. M'Lagan) had reason to congratulate himself on his success in bringing the subject before the House. The support he had received showed that the Bill was in many respects a reasonable Bill, and only one opinion had been expressed as to the able manner in which it had been introduced. He would advise his hon. Friend to accept the proposal made by the right hon. Member for Edinburgh to refer the Bill to a Select Committee. If it were necessary to decide between the two Bills, he should have no hesitation in voting for the Bill of the hon. Member for Linlithgowshire, but if the Bills went upstairs a Committee might make out of the two a better Bill than either was by itself. The preservation of game had been in many parts of the country a great grievance to the farmers, and therefore, in the name of his constituents, he thanked the hon. Member and the noble Lord for bringing the subject before the House.

MR. READ said, the tenantry of England had no wish to see the Game Laws entirely repealed; nor were they opposed to fair and legitimate sport. It was almost impossible to preserve too much winged game, for they were hardly any injury to the farmer, except when a preserver bought a large quantity of eggs—they were probably his neighbour's, and possibly his own—and had them hatched close to a tenant's corn or grass. In that case the damage might be considerable from the quantity of grass or corn trampled upon and destroyed. It was impossible to have too many partridges; they might harass late wheats or early peas; but they lived on insects for so large a part of the year that they did, on the whole, far more good than they did harm. The best way of preserving winged game was to allow tenants to have the control of the foot game. He had that morning received a letter from an extensive land agent and successful farmer in Norfolk, who was convinced that ground game ought not to have a right to legal protection. We had in England no officer corresponding to the

sheriff in Scotland ; but, generally speaking, the great bulk of the English public were satisfied with the administration of the Game Laws by the magistrates, believing that they tempered justice with mercy. If they did not, the press and public opinion would soon make them do it. He believed the magistrates, as a body, would be glad if these troublesome Game Laws could be administered by some other authority. The first time he sat on the bench a stupid man pleaded guilty to looking after a rabbit and was fined 6*d.*, but the costs amounted to nearly £1. The man could not pay and was sent to prison, and his wife and children became chargeable to the parish. That was the fault of the law itself, and not of those who administered it. Both Bills before the House proposed remedies for the increase of game during existing tenancies. In England they had few leases; but it was quite possible for a yearly tenant to enter upon and improve a farm that was comparatively free from game, and afterwards, at the whim of his landlord, or change of owners, he might be eaten up and half ruined. There was an estate in Norfolk in which the public took great interest. Some five or six years ago, when this estate passed into the hands of the present proprietor, there was hardly any running game. The farmers had leases, but the hares and rabbits now swarmed to such an extent that no food was left for the support of the tenants' flocks, and during this winter even the underwood was eaten and the timber barked. But he had yet a stronger case to illustrate the evil. Soon after the purchase of the estate one of the leases fell in, and, in order to be correct in his statement, he would, with the permission of the House, read an extract from a letter he had received from a widow lady, a tenant on the estate.

"In 1862 the agent was very pleased to secure a man of character, education, and capital, to take this farm. He expressed a wish to see our banker's book, to make sure we had funds for the purpose. The rent was fixed at a high rate, and there was hardly a hare to be seen upon the farm; and, in answer to my husband's inquiries upon that point, he was assured he would never be injured by game."

The gentleman referred to unfortunately died in 1865, having during the last few months of his life expressed his uneasiness at the alarming increase of hares. Still they multiplied, and in the spring of 1866 his widow addressed a note to the agent, stating that, after expending some thou-

sands on the farm, she, for the first time, expected some return, and now the hares were destroying everything. But the foot game was not killed, and this lady writes—

"The agent consented to have the damage valued. The valuation was drawn up by a gentleman chosen by the agent himself, and overlooked and approved by another of the most practical farmers in the neighbourhood; so that I naturally expected to receive a cheque for the same, but regret to say I have been informed the valuation is to be set on one side, and have been offered less than half the amount on the plea that, after all, it is at the option of the landlord to do as he pleases in such matters."

SIR ROBERT ANSTRUTHER: What was the amount of the valuation?

MR. READ: The damage was valued at £575, and the offer was £250.

MR. M'LAGAN: What was the extent of the farm?

MR. READ: About 800 acres. Now, if this was the way enterprising farmers were treated on the estate of such a landlord, what could they expect from small and needy landowners? It was quite time, in his opinion, that tenants should have some legislative protection which would prevent them from being ruined by such an increase of game. He should have great pleasure in supporting the second reading of the Bill.

MR. FORDYCE said, that he was not one of those who expected much good to result from legislation on the subject of the game grievance. The only enactment going to the root of the matter would be one making contracts for the preservation of hares and rabbits on arable land illegal, and though he was personally in favour of this, he did not think it had any prospect of passing this House. At the same time, he believed the Bill of the hon. Member for Linlithgowshire would effect a sensible mitigation of the evils complained of. His proposition was to take hares and rabbits out of the list of game, and place them in the position of rats and mice and other vermin. And why should they not? It had been said that this was equivalent to handing over the game to the poacher; but, in the first place, it should be kept in mind that the proposition only extended to hares and rabbits; and in the second that persons found would still be liable under the Day Trespass Act as trespassers in pursuit of game. No doubt it would still be in the power of proprietors to insert game clauses in leases; but the advantage to the tenant would be that for a breach of such, he

could be treated civilly. The other provisions of the Bill were equally satisfactory. Great dissatisfaction was felt in Scotland at the way in which justice is administered in regard to the Game Laws. With regard to the Bill of the noble Lord (Lord Elcho) the tenant farmers had paid little attention to it, believing it to be trifling with the question. He should like to have heard from the noble Lord the reasons which had induced him to propose to make deer game, but had listened in vain to his speech. For his own part he would strongly recommend the hon. Member for Linlithgow to adopt the suggestion of the right hon. Member for Edinburgh, and to have both Bills sent to a Select Committee. He did so with regret, but only because he perceived if this course was not taken, the Bill of the noble Lord would, in all probability, pass, which he should regret still more.

MR. CUMMING-BRUCE said, he should be sorry for it to go forth that all Scotland was labouring under an over-preservation of game. He had recently attended a county meeting at which it was stated that game, instead of being exterminated ought to be encouraged; in his county and in the county of Stirling the tenants were not at all unwilling that a reasonable quantity of game should be kept up; while, on the other hand, it was not the interest of the landlords to keep up an unreasonable quantity, and so depreciate the agricultural value of their estates. He agreed with the hon. Member for Norfolk (Mr. Read) that winged game rather benefited than injured the crops. He recollected a case where a noble Lord, when shooting on the land of a tenant who complained of the quantity of game, opened the crop of one of the birds, and showed that it was full of beetles. Under these circumstances, if that House came to the conclusion that it was necessary to legislate for the reduction of game, he hoped that they would exclude winged game from the enactment. He was sorry to hear the remarks of hon. Gentlemen opposite as to the change of jurisdiction from the justices to the sheriffs. He did not think anything had occurred to justify them in throwing a stigma on the Justices of the Peace, who acted, he believed, conscientiously, and in accordance with what they believed their duties demanded. County justices were, the greater number of them, persons residing in the towns, such as agents of banks, gentlemen in charge of

estates, and professional writers; and it was very rarely, indeed, that the gentry came on the bench when poaching cases came before it. All knew that the Justices of the Peace in England did their duty efficiently and well. Why do not the justices in Scotland get the same mete of praise? He trusted there would be no interference with the jurisdiction of the justices in Scotland.

MR. GRANT DUFF said, he did not see why this discussion should be prolonged, as they all seemed agreed that these Bills should be sent to a Select Committee. He merely rose to say that, in the district of burghs which he had the honour to represent, a district closely contiguous to a part of the country to which the hon. Member had referred, there was, at the last election, much feeling expressed in favour of some legislation with respect to game, and, if it were necessary now to go to a division, he should certainly vote in favour of the Bill of the hon. Member for Linlithgow.

MR. NEATE said, the question had been treated as one solely between landlords and tenants. But the State was also interested, first, in preventing such a multiplication of game as would furnish temptation to crime, and so increase the criminal classes; and secondly, in seeing that land was properly cultivated. Thirty years ago in this country the right of property in game was not admitted at all. The State reserved to itself the same dominion over game which our Norman Conquerors had asserted. Even now the owner and occupier enjoyed only a qualified right to destroy the game; and as the rights of the State had never been surrendered, it was open to the State, without injury to private rights, to abandon the game to anybody who chose to kill it.

MR. DILLWYN said, he could not admit the truth of the statement which had been made in the course of debate, that the administration of the Game Laws by the magistrates in England was satisfactory. On the contrary, he believed that the administration was eminently unsatisfactory to the people at large. No doubt the magistrates did their duty conscientiously; but the public naturally ascribed to those interested in the administration of the Game Laws an undue bias as owners and game preservers. The whole subject of the Game Laws, whether in Scotland or England, was one which it would be well to refer to a Select Committee. As between landlord and tenant, he agreed

Mr. Fordyce

that it was more a question of contract than a question for legislation. The chief object of the Game Laws was the protection of the tenant against the poacher. They had been lately told that in Wales they did not know the difference between a squirrel and a fox. At any rate the people there knew very well what a hare was, and poachers would rather have a hare than a pheasant. If you removed the protection which the tenant had against the poacher, especially in the neighbourhood of large towns, and allowed the poacher to go over the farmer's ground in pursuit of hares, you would never have a proper system of cultivation.

SIR GRAHAM MONTGOMERY said, he quite concurred in the propriety of referring the Bills to a Select Committee, provided they had efficient trespass laws. For his own part, he should have no objection that hares and rabbits should be no longer game. In Scotland the Law of Trespass, which dated back to 1600, was quite unworkable and required alteration. As to the jurisdiction of the justices in these cases, he should have liked to hear some better ground alleged for the proposed change in this respect, and could not help thinking that it would be an undeserved slur upon the justices to transfer this jurisdiction to the sheriffs. He approved generally of the proposal to give the tenants greater facilities than they now had for recovering damages from the landlords. He hoped that out of both Bills might come useful legislation.

MR. NEWDEGATE said, he hoped the law of Scotland on this subject would be assimilated to that of England. He held that the English law was right, and that everything should be let with a farm, when there was no express provision or contract to the contrary, and whatever was to be excepted, whether timber, minerals, or game, should be an express provision from the operation of the lease. Much of the evil complained of even in England arose from the contracts entered into not being sufficiently explicit. He was, however, happy to say they were acting in the Midland Counties on the principle which had been adopted in Lincolnshire—namely, the embodying in writing the terms of their contract, which agreement might afterwards be stamped and constitute a legal document. It was, then, the fault of the landlord, and still more so the fault of the tenant, if either did not insist on such provisions as should secure him from

injury, from dilapidation, from game, or from any other cause. The different circumstances of property as they occurred could not be defined specifically by statute, they could be met only by specific agreement between the parties. The hon. Gentleman the Member for Oxford (Mr. Neate) said there was an obligation on the part of landowners and tenants to provide food for the people of the country, a doctrine which he (Mr. Newdegate) recognised as that on which the system of protection was founded. The hon. Member had adverted to the fact that the Game Law was a remnant of the feudal system; that system had been abandoned and game had by law been rendered property. The reservation of the right of sporting, and game, and damage by game, were matters which ought to be the subject of an express contract between the landlord and tenant.

MR. M'LAREN said, he believed there was no system in Scotland more condemned than that by which Justices of the Peace were allowed to decide on game cases, and he further believed that there could be no improvement of a small kind which would be hailed with greater satisfaction than a transference of that jurisdiction to the stipendiary magistrates of Scotland—the sheriffs. An hon. Member had said that the owner of land never appeared on the bench when a case in which he was concerned came on. That might be true; but he (Mr. M'Laren) was not at all sure whether the very fact of his being on the bench and withdrawing from it, might not have a modifying effect on the judgment of his brother justices. The noble Lord (Lord Elcho) said the Bill of the hon. Member for Linlithgow was approved by the Chamber of Agriculture in Scotland. If that was so he thought that the highest character that could be given to the Bill, because the Chamber of Agriculture consists of about 800 farmers and landowners in all parts of Scotland, who had the greatest influence among the farmers of Scotland. He had heard a good deal said about these Bills in Scotland, and all he had heard led him to the conviction that the Bill of the noble Lord was a little worse than no Bill, because with what it did it does no good, and in regard to the clause which would make that game which now was not game it did a little harm.

Motion agreed to.

Bill read a second time, and committed to a Select Committee.

GAME LAWS (SCOTLAND) BILL read a second time, and committed to the Select Committee on the Game Preservation (Scotland) Bill.

And, on June 4, Select Committee *nominated* as follows:—Mr. MONCREIFF, Sir GRAHAM MONTGOMERY, Lord ELCHO, Mr. McLAGAN, Sir WILLIAM STIRLING-MAXWELL, Sir ROBERT ANSTRUTHER, Mr. FINLAY, Mr. HENRY BAILLIE, Mr. FORDYCE, Major WALKER, Mr. ROBERTSON (Berwickshire), Mr. LAMONT, and Captain SPEIRS:—Five to be the quorum:—And, on June 6, Colonel HAMLYN FANE, Mr. READ, and Mr. BONHAM-CARTER *added*.

REGISTRATION OF VOTERS BILL.

(*Viscount Amberley, Mr. Baines.*)

[BILL 136.] SECOND READING.

Order for Second Reading read.

VISCOUNT AMBERLEY, in moving that the Bill be now read the second time, said, that it was of the very simplest character. When the present system of registration was established by the Reform Act of 1832, it was provided that persons possessing certain qualifications might claim to be registered for any qualification; and a person possessing several qualifications in any borough or county might be registered for each. It was also enacted that when the voter went to the poll he might be asked three questions—namely, whether he was the person whose name appeared on the register, whether he had already voted, and whether he still retained his qualification. By the Act 6 *Vict.* c. 18, the third of these questions was abolished. In consequence of the fact that a voter's name might appear on the register several times it was difficult, and at times impossible, to prevent electors voting over again, and although there could be no statistics on the subject it was believed to be frequently done. This was obviously contrary to the intention of Parliament, and the simplest way of securing the object which Parliament had in view was to say that no man should appear more than once on the same register. It would greatly simplify the work of registration and lessen the expense of elections if every elector were only permitted to appear upon the register in respect of one qualification. The proposal of this Bill was that an elector having various qualifications might be objected to on that ground, and on proof of the objection the revising barrister might strike off every repetition of the name after its first occurrence, unless

the voter chose to make his election as to which qualification it would be convenient for him to vote in respect of. In Nottingham—the borough he had the honour to represent—there were last year 976 persons whose names appeared more than once upon the register, the majority of them having their names on twice, a considerable number three times, and a few appearing as many as four times; so that on the whole the surplus number of names on the register was 1,136, in a constituency the apparent number of which was 6,921. In other large boroughs the same inconvenience prevailed. In Manchester, in a constituency of 22,700, there were 1,250 double entries; in Bath, with a constituency of 3,200, there were 276 double entries; in Newcastle-on-Tyne, with a constituency of 7,460, there were 830 double entries; and in the City of London, with a constituency of 17,530, the number of double entries was 2,000. Where a man was only permitted to vote once there was no sufficient reason why a voter should be upon the register more than once, and some such measure as this was the more necessary at the present moment, because they were engaged in passing a Reform Bill which would largely increase the present constituencies. And not only did the Government Bill increase the numbers of the constituencies but it added to the variety of qualifications, and the larger the number of electors, and the greater the number of qualifications in respect of which they were entitled to vote, the larger must be the number of double entries, and the greater the evil of which he complained. Members representing counties had stated to him that the Bill would be objectionable as regarded counties, because it would take away from the voters the privilege they now enjoyed of recording their votes at any polling-place in any part of the county. But only a very limited number of persons would be affected by his proposal, and probably the great majority of the electors knew which polling-place was the most convenient for them, and would be able to select, without the least hesitation, the qualification in respect of which they desired their names to be retained. If it were inconvenient for an elector to attend before the revising barrister in person to select his qualification, words might be inserted allowing him to be represented by his agent; but he was much more anxious to deal with boroughs than counties, and from borough

Members he had heard no objection to his measure. He should be happy to receive any suggestion from the representatives of counties with respect to the part of the Bill which affected their constituencies, or at some future stage it would be open to them to move the omission of the clauses relating to counties. He believed the Bill would operate very advantageously in boroughs, and he questioned whether it would do any harm in counties. He did not know whether the principle he wished to lay down prevailed in Scotland, but it had been adopted in Ireland, and he had never heard that any inconvenience had arisen from it. What he was proposing was not any novelty in the law of registration, but merely an improvement of the machinery, and intended merely to give efficiency to the law which already existed. Upon these grounds he asked the House to read the Bill a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Viscount Amberley*.)

MR. GATHORNE HARDY: I cannot imagine what can be the use of this Bill. The noble Lord (*Viscount Amberley*) has said that it need not be applied to counties; but as an illustration of the inconvenience of such a measure, if enacted, let me take the case of my own particular county. I register in two places in Kent; and by doing so, if I happen to be in London I am enabled to vote at Greenwich, if at home I can vote in the neighbourhood of my own house. If this Bill passed into law, I should be obliged if at home to come up to Greenwich to vote. And then with respect to boroughs; suppose a man who is a freeman is also a £10 householder—I speak of the state of things which exists under the present suffrage—if you make him elect upon which qualification he is to be put upon the register you leave it open to an objector to call his qualification in question, and then perhaps he loses his vote to which he might be entitled in respect of the other qualification. The hon. Member for Swansea (*Mr. Dillwyn*), whom I see opposite, represents a borough in which there are a good many people of the same name; and if there were twenty, thirty, or forty John Smith's, the difficulty they would have in establishing their right to get upon the register would be greatly increased by this Bill. It is obvious that in the case of the John Joneses and the William Williamses objectors

might easily take advantage of the Bill to deprive them of their right to vote. The noble Lord appears willing to give up the principle of his Bill as far as counties are concerned; but I do not see what good would be gained by it in respect of boroughs. The noble Lord says that great inconvenience has arisen from the present system of double entries; but I have never heard any complaint upon the subject. The lists are made out in the different parishes by the overseers, who are acquainted with all the electors, the double entries are put in the different lists, and are as well known as any of the other arrangements with respect to the constituency. In the borough which I represented there were the old scot and lot voters and £10 householders, and I never heard of any difficulty arising at elections from these different qualifications. With great respect to the noble Lord, I think when a Reform Bill is pending in this House which involves the question of registration it is hardly worth while to bring in a Bill which merely unsettles the existing law, which, as far as the noble Lord has explained, has not created any degree of dissatisfaction, and has not been productive of personation. It is not as if because persons were enabled to register in different places they were also enabled to vote in different places, nor are the cases of personation to be traced to the fact of the same name being on the register for more than one qualification. Personation is a mere matter of fraud, and would occur without any similarity of name. I trust the noble Lord will not press the Bill to a division, because there is really no grievance at all worth remedying. Indeed, I must say if there be any grievance, it is of that infinitesimal kind which hardly deserves to take up the time of the House.

MR. POWELL thought that as far as the counties were concerned, the Bill might be termed a Bill to facilitate frivolous objections. As far as his position as a voter in the West Riding of Yorkshire was concerned, having many qualifications, he was utterly indifferent to any such objections being raised against him. In reference to the borough with which he was connected there were more cases of double entries than in many other towns, it being divided into many small parishes. Nevertheless, he had never heard of any injustice being done or inconvenience arising from those double qualifications. If the electors of that town were polled as to

their views upon this question he had no doubt that the noble Lord would find that the opposition to his measure would come as much from those who were identified with his political opinions as from any other party.

VISCOUNT AMBERLEY said, that although he looked upon the Bill as containing provisions which it was desirable to pass into law, he should not, after what had fallen from the right hon. Gentleman the Secretary for the Home Department, press it further at present.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

SALE OF LAND BY AUCTION (*re-committed*) BILL (Lords)—[BILL 94.]

COMMITTEE. [PROGRESS 15TH MAY.]

Bill *considered* in Committee.

(In the Committee.)

Clause 5 (Rule respecting Sale without Reserve).

MR. KNATCHBULL - HUGESSEN objected to the clause as it stood, and proposed that, with the view of making the law on the subject with which it dealt simple and plain, the seller of land should be prohibited from bidding at sales at which he caused it to be stated that the property was to be sold without reserve. If, however, a reserved price was announced, then the auction should be left open and the matter left to right itself. He made that proposal in order that no unnecessary restriction should be imposed in those cases, and in making it he was aware that he had the authority of several ex-Lord Chancellors against him; but, although he had the greatest respect for their authority, he did not think the clause was one to which in its present shape the Committee ought to assent. It was represented that the auctioneers were favourable to the Bill, whereas the view which they took of it really was that the latter part of it was good, and that sooner than lose that part they would not oppose the passing of clauses which they believed would be inoperative.

MR. SELWYN said, that the auctioneers had not only agreed to, but had petitioned in favour of the entire Bill, the objections which they entertained to it having been removed since it had taken its amended shape. It, besides, was sanctioned by the authority of Lord St. Leonards, who was intimately acquainted with the subject, as

Mr. Powell

well as by that of another ex-Lord Chancellor, who was a member of the Government to which the hon. Gentleman had belonged. It introduced, as seemed to be supposed it did, no new restrictions, and was intended to do away with a very doubtful exception established by the Courts of Equity to a well known rule of law which invalidated a sale at which more than one puffer was employed. There could, he maintained, be no more gross system of fraud than that which the hon. Gentleman sought by his Amendment to legalize, and which was somewhat like those practices which one might witness on a racecourse, where two or three confederates were in league to take in the public. If these Amendments were carried, it would be practically the same thing as rejecting the Bill, for there would be no chance of such a measure passing in the House of Lords; and, if such Amendments were made, then, as Lord St. Leonards had said, the title of the Bill ought to be altered to "a Bill to legalize fraudulent Sales by Auction."

MR. AYRTON said, the hon. Member for Sandwich (Mr. Knatchbull-Hugessen) did not propose to legalize fraud, but to enable persons owning land to sell it without a number of minute restrictions, which would prevent them from effecting a sale without being involved in a Chancery suit. If fair notice were given that the sale was to be a sale with reserve, all the bidders would be put upon their guard as to the conditions; and it was idle to say that a fraud would be practised upon them. He should like to hear the opinion of the Attorney General whether it would not be better to confine the clause to a simple declaration that the sale was either to be with or without reserve, or whether it should go on to specify that the right to bid was reserved. There was an extraordinary recital at the beginning of the clause to the effect that owners of land were engaged in selling their property in an illegal manner; and he should propose that the first four lines and a half of the clause containing the recital should be omitted.

Amendment proposed, in page 2, line 11, to leave out from the words "And whereas," to the words "as follows: That," in line 16, inclusive.—(*Mr. Ayrton*.)

THE ATTORNEY GENERAL said, they had already agreed to the 4th clause, which affirmed that there was now

a conflict between the Courts of Law and Equity in respect to the validity of sales of land by auction where a puffer had bid, although no right of bidding on behalf of the owner was reserved; the Courts of Law holding that all such sales were absolutely illegal, and the Courts of Equity under some circumstances giving effect to them; but that even in Courts of Equity the rule was unsettled. It could not therefore be wrong in a subsequent clause to follow that up by saying, as was done in the recital to which the hon. Member for the Tower Hamlets objected, that many such sales of land as now conducted were illegal.

MR. LEEMAN said, the clause to which the hon. and learned Attorney General referred related to an entirely different question. He denied that there was any illegality in the mode of selling land referred to in the clause, and therefore he would vote for the omission of the words that said so.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*: — Ayes 28; Noes 26: Majority 2.

MR. KNATCHBULL - HUGESSEN proposed to omit the words requiring the specification of the person in whom the right of a reserve bid is vested.

MR. SELWYN assented to the Amendment.

Words *struck out*.

Clause, as amended, *ordered* to stand part of the Bill.

Clause 6 (Rule respecting Sale subject to Right of Seller or his Agent to bid once or oftener).

MR. KNATCHBULL - HUGESSEN proposed to leave out from "be" to end of clause, and insert—

"With reserve or to that effect, it shall be lawful for the seller, or any person or persons on his behalf, to bid at such auction in such manner as he or they may think proper."

There were combinations among buyers which ought to be provided for as well as combinations among sellers. He was afraid that by the Bill they were striking a blow at the principle of sales by auction. The old doctrine was a good one—*caveat emptor*—let the buyer take care of himself. It was, he thought, the business of every purchaser to make up his mind as to the value of the property for which

he was bidding and how much he would give, quite irrespective of the persons who were bidding against him.

THE ATTORNEY GENERAL said, that the measure had been introduced into the other House by a noble and learned Lord who was not only an ex-Lord Chancellor as he had been described, but who had been the master and the great authority on this subject of vendor and purchaser from the early part of the present century, if not before. The Bill had also the sanction not only of an ex-Lord Chancellor, but of an expectant Lord Chancellor, the hon. and learned Member for Richmond. It was said that a buyer ought to take care of himself; and no doubt these sham biddings would have no effect on an experienced and strong-minded man. But there were others who might be led in the excitement of a sale by sham bidders and puffers to give more for the property than it was worth. But was there no such thing as legislating for the protection of weakness and inexperience? He thought it right to legislate on this subject. Buyers might say they would not purchase and go away, and that would not deceive any one; but it was very different when the seller put up a dummy to deceive persons in the auction-room.

MR. AYRTON, whilst admitting the great authority of Lord St. Leonards in interpreting the law as it stood, thought that any hon. Member of that House was quite as capable as that noble Lord of dealing with this matter, which was simply that of saying how an auctioneer's business should be carried on. The clause as it stood provided that the seller should state in writing his reserved price; but this would simply lead to a very large sum, which would afford perfect protection, being named in each case. There could be no fraud if the public were told that the sale was with reserve. The Amendment asserted the right of the seller to protect himself against those who made a livelihood by attending sales of landed estates for the purpose of asking damaging questions with a view to depreciate the value of the land, and afterwards to buy it themselves, and have a "knock out," the proprietor not being allowed under the clause to interfere, though he happened to be standing by.

MR. HENLEY said, the subject had received a good deal of knocking about; but, as one not learned in the law, he desired to express an opinion that it was unnecessary and unreasonable to require

a man to state in writing what he would take for his property, as generally a seller had full confidence in his auctioneer, and would be perfectly willing to leave the whole matter to him. Intending purchasers ought to be protected against sham bidders attending the sale in the interest of the owners. He objected to any provision which would permit dummies to bid and thus deceive *bona fide* bidders. Such a proceeding was tricky, and not honest, and he was afraid the Amendment would legalize it. He also suggested that the words "or to that effect," should be omitted, as they were calculated to give rise to litigation.

Amendment agreed to.

Further Amendments made.

Clause, as amended, agreed to.

Remaining clauses agreed to.

MR. DARBY GRIFFITH then moved the insertion of the following clause:—

"It shall not be lawful for any auctioneer to place out at interest, for his own use and benefit, any sum of money which he may have received as deposit on any property he may have sold by auction, but if any such interest be obtained for such deposit it shall be paid and accounted for to the purchaser who has made such payment."

MR. REARDEN, MR. KNATCHBULL - HUGESSEN, and MR. SELWYN objected to the clause.

Clause negatived.

On Motion that the Preamble be agreed to,

MR. HUNT expressed a hope that his hon. and learned Friend (Mr. Selwyn), having undertaken to deal in the manner contemplated by this Bill with the sale of land by auction, would also bring in a Bill assimilating the law with regard to the sale of other descriptions of property.

MR. SELWYN said, that the Bill had reference exclusively to sales of land, and to the practice of opening the biddings in Courts of Equity, where it was not likely that property other than land would frequently be disposed of, and hence there was no such incongruity as might be supposed in special legislation. He admitted that it would be very desirable to deal, if possible, with "knock-outs" and frauds of various descriptions; but it was imposing rather a wide and difficult task upon a private Member to require him to initiate legislation having for its object to make all horsedealers, teadealers, and others honest. His humble services were at the disposal

Mr. Henley

of his hon. Friend if the Government thought fit to introduce such a Bill.

MR. CHILDERS thought the Government would act wisely in declining the invitation.

MR. KNATCHBULL - HUGESSEN said, that as the Government had aided so strongly in getting this Bill through Committee, they were rather committed to extending its principle to other kinds of property.

MR. DARBY GRIFFITH said, that his hon. Friend the Secretary for the Treasury and his hon. and learned Friend (Mr. Selwyn) ought to put their heads together and frame a Bill applying to other kinds of property.

Preamble agreed to.

House resumed.

Bill reported, with Amendments; as amended, to be considered on *Thursday*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £14,101, to complete the sum for the Copyhold, Inclosure, and Tithe Commission.

MR. GOLDNEY said, he had called attention to this Vote last year, and he now begged to ask his hon. Friend the Secretary of the Treasury, Whether he would institute an inquiry with the view of making the office of the Commissioners self-supporting?

MR. WHALLEY remarked, that the Office was a very useful one; but economy should be introduced into it to the utmost extent.

Vote agreed to.

(2.) £8,600, to complete the Sum for Inclosure and Drainage Acts, Imprest Expenses.

(3.) £52,025, to complete the sum for the General Register Offices in London, Dublin, and Edinburgh.

(4.) £11,424, to complete the sum for the National Debt Office.

(5.) £3,349, to complete the sum for the Public Works Loan Commission and West India Relief Commission.

(6.) £10,144, to complete the sum for the Lunacy Commission and Inspection, &c., of Lunatic Asylums.

MR. CHILDERS thought that the amount of business done by the Commissioners did not warrant the charge on the

public now in all above £24,000 a year. There were three systems in use, and that in Ireland was the most economical, while it worked in a thoroughly satisfactory manner. He suggested, therefore, that an attempt might be made to assimilate the three systems—a course which would probably be attended by advantage and economy.

Vote agreed to.

(7.) £223, to complete the sum for the General Superintendent of County Roads in South Wales.

(8.) £1,414, to complete the sum for the Registrars of Friendly Societies in England, Scotland, and Ireland.

(9.) £13,115, to complete the sum for the Charity Commission for England and Wales.

MR. CHILDERS stated that last year he had expressed a willingness to inquire whether arrangements could be made for recouping from individual charities the expenses incurred for their benefit by the Charity Commission; and he hoped that his hon. Friend the present Secretary to the Treasury would look into the matter.

MR. GOLDNEY, after referring to the original purpose for which the Commission was appointed, to inquire and report into a certain class of cases, mentioned the recent bequest of Dr. Brown, of Dublin, for the foundation of a hospital for sick cats, dogs, and birds, and questioned the propriety of the State bearing the expense of seeing that such eccentric ideas were carried out.

LORD ROBERT MONTAGU said, the Charity Commission had two distinct functions; first, to make inquiries and report to Parliament or the Attorney General; and secondly, under the Act of 1861, to discharge the duties of a subordinate branch of the Court of Chancery. He would not discuss the will of Dr. Brown, as there was a Bill relating to the matter before the House.

Vote agreed to.

(10.) £5,041, to complete the sum for the Local Government Act Office, and the Inspection of Burial Grounds.

(11.) £1,724, to complete the sum for the Landed Estates Record Offices.

Motion made, and Question proposed,

"That a sum, not exceeding £444, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1868, for the Quarantine Establishment."

MR. BENTINCK said, this Vote had given rise to considerable discussion last year, when it was objected to on the ground that quarantine establishments were confined to the South of England, and that the ports in the North of England did not participate in the advantages of such establishments. No explanation had yet been given to the House on the subject.

MR. CORRY said, that instead of this being a subject of complaint he thought the ports in the North of England ought to be congratulated for not needing quarantine establishments. The large share of the Vote which went to the ports in the South of England, such as Southampton, arose from the fact that they were the principal ports of arrival of steam packets from places liable to be infected, and there was a necessity for providing quarantine accommodation for cases of yellow fever, which came from the West Indies, and especially from the Island of St. Thomas.

MR. BENTINCK reminded the right hon. Gentleman that there had been great occasion for a quarantine establishment at Liverpool last year, where there had been very serious outbreaks of infectious disease.

MR. CHILDERS hoped that the Secretary of the Treasury would not be induced by the questions that had been put to extend the quarantine establishments beyond their present size. They were partly intended to be mere skeletons which could be developed in time of danger, and partly kept up to satisfy the prejudices and regulations of foreign countries with which we trade largely.

MR. CANDLISH thought that these establishments were either too large or too small, and that the best thing that could be done would be to abolish them, and throw the burden of protecting the towns where they existed from imported disease upon the municipal authorities. He should bring the matter before the House on a subsequent occasion in a more definite form.

MR. STEPHEN CAVE said, that as this subject of quarantine was in some measure connected with the Board of Trade he might be able to give some explanation upon this Vote. The fact was that expenditure on this head was dying away. The tendency of legislation in this country for some time past had been to diminish quarantine establishments. Thus Bristol, Liverpool, and Hull formerly had them, but they had been done away with in those places. The quarantine establishment was

kept up for Imperial purposes, not because we were afraid of infection, but because, unfortunately, we had to consider the prejudices of other countries. The Mediterranean Powers would put us into quarantine at once if we did not keep up a quarantine ourselves. The Southern ports of this country where quarantine was kept up were those with which the Mediterranean ports traded. Consuls of European Powers reported the smallest alteration in the quarantine laws to their respective Governments. Spain was extremely sensitive on this point, and seemed to look out for excuses to impose quarantine. This was a very serious matter. In 1825 Mr. Huskisson took upon himself to issue free *pratique* to ships in Portsmouth, Southampton, and London, and the result was that the whole of the United Kingdom was put into quarantine by the Mediterranean Powers, every arrival from England subjected to lengthened detention, and the country was thereby put to the greatest inconvenience. That was the real explanation of this Vote, and not because there was any danger from yellow fever being imported into the country, it being well known that, as a general rule, yellow fever could not exist below a certain degree of temperature. Even in the West Indies it was almost unknown 1,000 feet above the sea. The hospital at Liverpool was established in consequence of the outbreak of cholera, caused by German emigrants who had reached that town across the country from Hull and not from the sea, and therefore, of course, the expenses of that establishment were properly defrayed out of the local funds.

MR. ALDERMAN LUSK said, he did not regard the explanation which had been given of this Vote as being satisfactory, and therefore moved that it be reduced by the sum of £700.

MR. DILLWYN thought that the money was well expended.

THE CHAIRMAN said, there was one difficulty about the Motion of the hon. Member, which was that he had moved to reduce the Vote by £700, whereas the Vote was for £444 only.

MR. ALDERMAN LUSK said, he understood the Vote was for £1,444.

THE CHAIRMAN said, the Vote now asked for was £444, to complete the sum of £1,444 required for this purpose.

Motion made, and Question proposed,

"That the proposed Vote be reduced by the sum of £443 10s."—(Mr. Lusk.)

Mr. Stephen Cave

MR. HUNT said, that the Government had previously taken a Vote for £1,000, and now only asked for the balance, £444, of the total sum required.

MR. KNATCHBULL - HUGESSEN suggested that as the subject was an important one it should be brought forward as a substantive Motion.

SIR J. CLARKE JERVOISE would ask, as he had asked before, if quarantine was necessary, why had it been broken by the officer who ought to have insisted on its rigid execution—the Medical Superintendent at Southampton? Under such circumstances it was ridiculous to maintain there an officer of that description. A lay figure or man in buckram would serve the purpose as well, and the sooner the system was done away with the better.

LORD ROBERT MONTAGU said, his answer must be the same as that which he had formerly given to the hon. Baronet. He allowed that there was no danger of yellow fever spreading in this country, especially during the winter months, and that it was not to be communicated by contact. But cholera might be communicated by contact. Other countries had faith in quarantine, and great commercial loss would ensue to this country if no quarantine were imposed here. The hon. Member for Sunderland (Mr. Candlish) was in favour of supporting the quarantine establishments by rates. Now, if the rate were to be compulsory, the sum required to be levied would be much greater than at present. If, on the other hand, the rate were not to be compulsory, it would be levied in some towns and not in others, so that its incidence would be unequal, and foreign Governments would not feel secure, but would place all vessels from our ports in quarantine.

MR. CANDLISH said, all he argued for was equality. He did not think it right that one town should practically be paying for quarantine out of its local board of health rates while such establishments were supported out of the Imperial funds in others. However, he would recommend the withdrawal of the Motion, because it was obviously inconvenient to discuss questions of policy in Committee of Supply.

Motion, by leave, *withdrawn*.

Vote agreed to.

(13.) £24,000, to complete the sum for the Secret Service.

(14.) £294,020, to complete the sum for Printing and Stationery.

MR. GOLDNEY complained of the large increase on this Vote. Twenty-eight years ago the Civil Service Estimates were only £2,500,000, whereas they had now grown to £8,000,000. Of course a portion of this increase was apparent only, but still there was a large and constant growth. This year the charge for Parliamentary Printing was £76,000, whereas it was last year only £66,000. He thought that a good deal of money might be saved by the establishment of a statistical department, where Members might obtain the information they wanted without putting the Government to the expense of preparing and printing Returns.

MR. KNATCHBULL-HUGESSEN agreed with the hon. Member that Returns were often moved for without any regard to the principle of economy, and were often of no practical good when made. If hon. Members would co-operate with the Government in refusing unnecessary Returns the Vote might be reduced.

MR. CORRY thanked the hon. Gentleman for calling attention to the question of Returns. The expense stated in this Estimate with regard to these Returns by no means represented the entire cost occasioned. Extra clerks were often required to be engaged by the several Departments to have them prepared. He had received a note soon after coming into office from the Secretary to the Treasury, urging him to refuse all Returns that were not absolutely necessary, and he hoped the House would not require Returns to be produced unless some substantial ground for calling for them could be shown.

MR. SELWYN said, he could not admit that independent Members were unwilling to assist the Government in refusing Returns. He had himself divided the House against granting a Return moved for, and had succeeded in getting it rejected. Some Member of the Government ought to be responsible for checking the great expense of those Returns, and he would suggest that all such Returns should be moved for in a regular manner and at a proper time.

MR. CHILDERS instanced a case in which £500 last year was saved by refusing one Return which he considered wholly unnecessary. The Committee on Printing had come to some conclusions which he hoped would check extravagance in this matter.

MR. WHALLEY said, that if there

was liberality in granting Returns, there was also niggardliness. Among the books supplied to the military schools were some calculated to imbrue the minds of the soldiers with seditious and anti-national sentiments, and a Return which he had moved for of a list of those books had been refused.

Vote agreed to.

(15.) £129,350, to complete the sum for Postage, Public Departments.

(16.) £24,440, to complete the sum for Law Charges, England.

(17.) £141,035, to complete the sum for Criminal Prosecutions.

(18.) £200,925, to complete the sum for Police, Counties and Boroughs.

(19.) £8,625, to complete the sum for the Admiralty Court Registry.

(20.) £2,236, to complete the sum for the late Insolvent Debtors Court.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Dillwyn.*)

Motion, by leave, *withdrawn.*

(21.) £66,467, to complete the sum for the Courts of Probate and Divorce.

(22.) £107,127, to complete the sum for County Courts.

(23.) £3,440, to complete the sum for the Office of Land Registry.

(24.) £16,103, to complete the sum for Police Courts, Metropolis.

(25.) £123,848, to complete the sum for Metropolitan Police.

(26.) £17,850, Revising Barristers.

(27.) £658, Divorce Court Compensations.

(28.) £10,292, to complete the sum for Bankruptcy Compensations, &c.

(29.) £39,381, to complete the sum for the Common Law Courts, England.

(30.) £54,447, to complete the sum for Criminal Proceedings, Scotland.

(31.) £36,850, to complete the sum for the Courts of Justice, Scotland.

(32.) £11,486, to complete the sum for General Register House, Edinburgh.

(33.) £65,314, to complete the sum for Criminal Prosecutions, &c., Ireland.

(34.) £4,522, to complete the sum for the Court of Chancery, Ireland.

(35.) £10,852, to complete the sum for the Court of Queen's Bench, &c., Ireland.

(36.) £2,407, to complete the sum for Judges Registrars, Ireland.

(37.) £1,025, to complete the sum for Manor Courts, Ireland.

(38.) £1,869, to complete the sum for Registration of Judgments, Ireland.

(39.) £10,051, to complete the sum for Registration of Deeds, Ireland.

(40.) £100, Commissioners of High Court of Delegates, Ireland.

(41.) £4,899, to complete the sum for the Court of Bankruptcy, &c., Ireland.

(42.) £7,673, to complete the sum for the Court of Probate, Ireland.

(43.) £9,492, to complete the sum for the Landed Estates Court, Ireland.

(44.) £5,500, to complete the sum for Process Servers, Ireland.

(45.) £420, Revising Barristers, Ireland.

House resumed.

Resolutions to be reported upon *Thursday*.

Committee to sit again upon *Thursday*.

LOCAL GOVERNMENT SUPPLEMENTAL (NO. 2) BILL.

On Motion of Mr. Secretary GATHORNE HARDY, Bill to confirm certain Provisional Orders under 'The Local Government Act, 1858,' relating to the districts of Sheffield, Derby, Sherborne, Royton, Bedford (Lancashire), Slough, Sandown, Burton upon Trent, West Cowes, and Acerrington, ordered to be brought in by Mr. Secretary GATHORNE HARDY and Mr. SOLATER-BOOTH.

Bill presented, and read the first time. [Bill 167.]

House adjourned at half after One o'clock, till Thursday.

HOUSE OF LORDS,

Thursday, May 23, 1867.

MINUTES.]—SELECT COMMITTEE—On Tenure (Ireland); Contagious Diseases (Animals).

PUBLIC BILLS—First Reading—National Debt* (111).

Second Reading—Criminal Law (81); District Prothonotaries, Court of Common Pleas, County Palatine of Lancaster (107).

Committee—British White Herring Fishery (80); Sale and Purchase of Shares* (74).

Third Reading—Customs and Inland Revenue* (93), and passed.

GLOSSOP CONVENT.—QUESTION.

THE EARL OF SHAFTESBURY asked the noble Earl at the head of the Government, Whether any inquiries had been made into the case of the six young ladies

who had run away from the convent at Glossop and arrived at Sheffield, and there had been taken to another convent in that town; and whether he could give the House any information on the subject?

THE EARL OF DERBY said, although his right hon. Friend the Secretary for the Home Department had been making inquiries into the subject, he did not himself see what there was to inquire about. It would appear that these six young ladies had run away from a convent or school at Glossop; but they were not bound by vows, or anything of that kind; the youngest was thirteen, the eldest twenty. They travelled twenty-five miles to Sheffield, and arriving there at twelve o'clock at night, they applied at the police-station to know where they could obtain a lodging for the night. They were told that there was in Sheffield a similar institution to that which they had left, and upon application to the Superior they were admitted into that institution. The police-officer, as he thought, displayed good judgment in asking the Superior of the convent at Sheffield whether the young ladies could be taken in for the night. He did not, indeed, know where the police could at that hour of the night have discovered decent lodgings for these young ladies, unless by taking them to an institution of a character similar to the one they had left; for it should be borne in mind that those young ladies did not in any way complain of the character of the Glossop institution, but merely of the ill-treatment which they stated they had received at a particular school. As his noble Friend had only given him notice of his question a short time before the meeting of the House, he had not been able to ascertain the result of the inquiries made by the Home Secretary.

THE EARL OF SHAFTESBURY wished to know whether the police had exercised any power of detention over these young ladies?

THE EARL OF DERBY signified that they had not.

CRIMINAL LAW BILL—(No. 81.)

(The Lord Cranworth)

SECOND READING.

Order of the Day for the Second Reading read.

LORD CRANWORTH, in moving that the Bill be now read the second time, said,

that it had been introduced into the House of Commons by the right hon. and learned Recorder of London for the purpose of amending the criminal law by restricting the operation of the provisions of the first section of the 22 & 23 *Vict. c. 17*, which was an Act passed to prevent vexatious indictments for certain misdemeanours, such as conspiracy, obtaining money under false pretences, &c. A few years ago in the then state of the law, prosecutions for certain offences were used as a means of extorting money, and any one might indict in the first instance before a grand jury for conspiracy or obtaining money under false pretences. But that was remedied by the Act to which he referred. That Act obliged the prosecutor in such cases as those to which he referred to go before a magistrate before he preferred any bill before the grand jury. The 1st clause of the present Bill provided that the provisions of the first section of the Act to which he had referred should not extend to prevent the presentment to or finding by a grand jury of any bill of indictment containing a count for any of the offences mentioned in that Act, if such count were such as might now be lawfully joined with the rest of the bill of indictment, and if it were founded, in the opinion of the Court before which the indictment was preferred, upon the evidence disclosed in any depositions taken before a justice of the peace; and that nothing in that Act should prevent the presentment to a grand jury of any bill of indictment if such indictment were presented to the grand jury with the consent of the Court before which the same might be preferred. The 2nd clause provided that where a magistrate had refused to commit and the prosecutor, having indicted before a grand jury, failed to establish the guilt of the person charged, the Court should have the power to order the prosecutor to pay the costs of the accused person in the event of its thinking that the prosecution was unreasonable. The next clause was one which it was most important for the honour of the country should be made the law of the land. In almost all prosecutions the expenses of the witnesses bound over to prosecute were allowed; but it was not so on the part of the defence. Complaint was frequently made by persons charged with indictable offences upon their trial that they were unable from want of means to call witnesses who would prove facts which would establish

their innocence; and accordingly the 3rd clause provided that where a person was charged with any indictable offence the magistrate should, before committing him for trial, ask him whether he desired to call any witnesses in his defence; and in the event of his answering in the affirmative the magistrate should take the depositions of such witnesses, who should be bound over to appear to give evidence on the trial, in the same manner as other witnesses, in which case their expenses would, of course, be paid. There were some other clauses of minor importance in the Bill to which he need not refer.

Moved, "That the Bill be now read 2^a."
—(*The Lord Cranworth.*)

THE LORD CHANCELLOR said, that the Bill had been introduced into the other House by very high authority, and as he had no objection to any of the clauses he should assent to its second reading.

Motion agreed to: Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

DISTRICT PROTHONOTARIES, COURT OF COMMON PLEAS, COUNTY PALATINE OF LANCASTER, BILL—(No. 107.)

(*The Earl of Devon.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DEVON *moved* the second reading of this Bill. The object of the Bill was to divide the County Palatine of Lancaster into three districts, and to appoint a prothonotary to each. Originally there had been only one, when the assizes were held at Lancaster, but since the establishment of the assizes at Liverpool and Manchester this had been found very inconvenient. The general scope of the measure had been long under the consideration of the Duchy, and the proposed arrangement would greatly facilitate assize business.

Motion agreed to: Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

TENURE (IRELAND) BILL [H.L.]

The Lords following were named of the Select Committee: The Committee to meet on *Monday* next, at Four o'clock, and to appoint their own Chairman:—

D. Devonshire	E. Kimberley
M. Bath	V. Lifford
E. Devon	L. Somerhill
E. Clarendon	L. Clandeboye
E. Lucan	L. Churston
E. Rosse	L. Westbury
E. Grey	L. Meredyth
E. Stradbroke	L. Cairns

House adjourned at half past Five
o'clock, till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 23, 1867.

MINUTES.]—SELECT COMMITTEE—On Valuation of Property, Mr. Secretary Gathorne Hardy added.

SUPPLY—considered in Committee—Resolutions [May 21] reported.

PUBLIC BILLS.—Second Reading—Habeas Corpus Suspension (Ireland) Act Continuance (No. 2) [165]; Public Records (Ireland)* [157]; Tancred's Charities* [143]; Railways (Scotland) [122], debate adjourned; Local Government Supplemental (No. 2)* [167].

Referred to Select Committee—Tancred's Charities* [143].

Committee—Representation of the People [79] [Clause 4]; Pier and Harbour Orders Confirmation (No. 2)* [162]; Pier and Harbour Orders Confirmation (*re-comm.*)* [130].

Report—Pier and Harbour Orders Confirmation (No. 2)* [162]; Pier and Harbour Orders Confirmation (*re-comm.*)* [163].

Considered as amended—Sale of Land by Auction (Lords)* [94].

Third Reading—Army Enlistment* [147], and passed.

REPRESENTATION OF THE PEOPLE BILL—POLLING PLACES.—QUESTION.

SIR ANDREW AGNEW said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the provision in the Bill for the Representation of the People, Clause 23, as to providing separate polling places "as nearly as possible" for every 200 electors, was to be considered compulsory in every case; or, whether it is meant that such arrangements should be at the discretion of the local authorities in their several counties?

THE CHANCELLOR OF THE EXCHEQUER: At present, Sir, it is not compulsory. It must be left to the discretion of the local authorities. If the hon. Baronet wishes that it should be made compulsory, I will consider the subject.

DEPARTMENT OF SCIENCE AND ART QUESTION.

MR. BENTINCK said, he wished to ask

the Vice President of the Committee of Council, Whether the Secretary of the Department of Science and Art has been appointed Director of the South Kensington Museum; whether two Assistant Directors have also been appointed; and, if so, what are their names, duties, and salaries; whether the Director and Assistant Directors are to act independently of the "Art Referees" in the selection of objects for purchase; and, whether it be true, as stated in the public journals, that purchases have been already made at the Paris Exhibition by the Science and Art Department, and whether such purchases have the approval of the Art Referees? He also wished to ask, when the Estimate for Science and Art will be brought forward; and if the noble Lord is unable to fix a day, whether he will undertake to give sufficient notice on the subject?

LORD ROBERT MONTAGU, in reply, said, the Secretary of the Department of Science and Art had been appointed Director to the Kensington Museum ten years ago. There was a Commission appointed in 1865, which consisted of the right hon. Member for Merthyr Tydvil (Mr. Bruce), Sir Charles Trevelyan, and Mr. Shelley. They recommended that when Mr. Cole, the present Secretary, retired, the two offices of Secretary and Director should be separated. They also recommended that three Assistant Directors should be appointed—one for works and lighting, another for the arrangement of objects of science and art, and the third for custody, police, and general duties. Their names were as follow:—the first office was held by Captain Festing of the Royal Engineers, the second by Mr. Thompson, and the third by Mr. Owen. These gentlemen had been for several years in the Museum. Their duties had been re-organized in accordance with the recommendations of the Treasury Committee, but their salaries had been in no way altered. The Assistant Directors did not act independently of the Art Referees in the selection of objects for purchase. And it was not true that purchases had been made at the Paris Exhibition by the Science and Art Department. In reply to the last Question of the hon. Gentleman, he had to inform him that the day was not yet fixed for taking the Vote for Science and Art. He would take care to give the House ample notice of the day it would be taken.

GLOSSOP CONVENT.—QUESTION.

MR. WHALLEY said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been given to a statement in *The Times* newspaper of the 11th of May, that six young ladies had escaped from a convent at Glossop, and having walked to Sheffield, a distance of twenty-five miles, were there taken charge of by the police, and by them handed over to another convent called Notre Dame at the request of the Superior of the convent from which they had escaped; whether it is his opinion that the police at Sheffield were justified in so acting; whether any inquiry will be instituted as to the circumstances connected with this escape; and, generally, whether any, and what, means are available for affording protection to any such persons against detention in convents against their will?

MR. GATHORNE HARDY: Sir, in consequence of the Question put down upon the Paper by the hon. Member for Peterborough, and addressed to my right hon. Friend who was then at the Home Department, inquiries were made of the Mayor of Sheffield as to what had taken place with regard to the escape of girls from a school at Glossop. The word used was a convent. I understand that it was a school attached to a convent, but that the girls were not themselves inmates of a convent. On that point I have no particular information. Perhaps the best answer I can give to the Question is to read the reply which was received from the Mayor of Sheffield. He says—

"There is little to be said in answer to your letter of yesterday beyond what appears in the annexed paragraph"—

That is, the paragraph published in *The Times*—

"The girls, thinking themselves ill-used by a teacher, ran away from school, called, for some reason, no doubt, a convent. On arriving at Sheffield they applied at the Police Office for food and shelter. One of the girls had a sister at school, in what is known as the Convent of Notre Dame at Sheffield, and whom she had seen that same evening. She said the scholars were well-treated there. From this sister it became known to the lady of the establishment that the runaway girls were in Sheffield without money or food. The lady, thinking it undesirable that the girls should pass the night in the streets, sent out in search of them. Inquiry was made of a policeman on duty in the streets, who advised an application at the Police Office. There the girls were found, and all gladly accepted the kind offer from the Sheffield School. On the following day they

communicated with their friends, and are, I understand, all at home, and neither at a school nor a convent. I need scarcely add that there is no accommodation at the Police Office for a bevy of runaway school girls. In my opinion the officers on duty behaved very kindly and very prudently. There is no truth in that part of the report that states the escape of an inmate from the Sheffield School. The whole is a pretty story of "Much ado about nothing."

That is the answer I have received from the Mayor of Sheffield. The hon. Gentleman further asks me for my own opinion. It is of very little importance, but I confess I agree with the Mayor of Sheffield, that the police seem to have done their duty. The girls applied for shelter and were taken in; and when they had a home more suitable to their condition offered them the police took them there. The only inquiry instituted on the part of the Government is that to which the answer I have read has been received. As to any protection which may be available for people under similar circumstances, I am not aware of any protection but that which is afforded by the law of the land—I mean the Habeas Corpus. As I stated in reply to one of the parents, it is not the part of the Government, but of the parents themselves, to institute proceedings if they think their children have been ill-treated in the school.

MR. WHALLEY said, he wished, by the permission of the House, to put another Question to the right hon. Gentleman arising out of the answer he had just given. He had reason to believe that the statement just read was from the beginning to the end a tissue of misrepresentations. ["Order!"] He wished to know whether the right hon. Gentleman would grant a Return of the Correspondence which has taken place with the Home Office upon this subject?

MR. GATHORNE HARDY said, the only thing in the nature of correspondence was the reply to the inquiry which had been addressed to the Mayor of Sheffield. That would appear in the public prints; but if the hon. Member wished to move for its production as a separate Parliamentary Paper—["No, no!"]

REPORT OF THE MARRIAGE LAW COMMISSION.—QUESTION.

MR. MONK said, he would beg to ask the Secretary of State for the Home Department, Whether any definite answer has been received at the Home Office as to the probable time it will take to com-

plete the inquiry into the Laws of Marriage, and when he expects that the Report of the Marriage Law Commission will be presented to Parliament?

MR. GATHORNE HARDY, in reply, said, he had been informed that afternoon by the Secretary of the Commission that a large body of evidence had been collected upon the subject, and that Resolutions were being prepared for a Report; but in consequence of the Members of the Royal Commission living in different and distant parts of the Kingdom, it was not an easy matter to bring them together. There was no expectation of being able to present the Report to the House before July, and certainly not in time to form the basis of legislation this year.

ADMIRALTY JURISDICTION BILL.

QUESTION.

MR. NORWOOD said, he wished to ask the Vice President of the Board of Trade, Whether he can fix an early day for the second reading of the Admiralty Jurisdiction Bill?

MR. STEPHEN CAVE said, in reply, that this was a Bill which excited much interest among the commercial classes. It had been, indeed, introduced in consequence of a strong desire very generally expressed for some time past. Since, however, it had been before the House, exception had been taken to certain of its provisions by Members whose opinions were entitled to the highest respect. The Board of Trade had endeavoured to frame Amendments which might obviate some, at least, of their objections. He hoped to lay these on the table in a few days, and he should be glad if, after this had been done, hon. Members would allow the Bill to be read a second time in order that it might be re-printed, and consent to take the discussion at a later stage. Indeed, he should be very willing to refer the Bill to a Select Committee, in which he thought matters involving so much detail and technicality would be discussed more readily than in Committee of the Whole House. The Bill was on the Notice Paper for Monday, but it would be impossible to take it on that day, and he need not say that so long as the House was absorbed in the consideration of one all-important measure, it would be extremely difficult to make progress with any other which might lead to protracted debate.

Mr. Monk

FEES TO THE LEGAL AND MEDICAL PROFESSIONS.—QUESTION.

MR. NEATE said, he would beg to ask the Secretary of State for the Home Department, Whether he is prepared to advise Her Majesty to include in the terms of the Royal Commission for an inquiry into Trades Unions, an inquiry into the combination existing in the Legal and Medical Professions for the purpose of maintaining their fees at or above a certain rate?

MR. GATHORNE HARDY said, he did not know what combinations the Question referred to. The hon. Gentleman was himself a member of the legal profession; but he had not informed him of what it was he considered the legal profession had been guilty, or into what particular subject he wished to have an inquiry. Trades and professions had hitherto, up to a certain extent, been kept distinct, and he certainly should not propose to include the latter in this Commission.

MR. NEATE said, that the other part of his Question of which he had given notice, relative to the extension of the terms of the Commission, so as to embrace the two professions—the fact that such combinations do exist, and the means for adopting rules to fix the fees, &c.—he should make the subject of a special Motion for the consideration of the House.

DISTRESS IN THE WEST OF IRELAND.

QUESTION.

MR. REARDEN said, he rose to ask the Chief Secretary for Ireland, If any, and what steps have been taken by Her Majesty's Government for the immediate relief of the almost famine-stricken poor in extensive districts of the West of Ireland?

LORD NAAS, in reply, said the Question did not correctly describe the state of things which existed in the West of Ireland. In one district there was considerable distress, and in consequence of the lateness of the spring the poor people had been obliged to purchase out of their limited resources food for their cattle. And in some places cattle had actually died in consequence of the distress which prevailed there. He was happy to say that the Boards of Guardians had acceded to the request of the Government and had afforded all the assistance they could under the circumstances. Under the Act of last

Session the Government had authorized the expenditure of between £7,000 and £8,000 for public works, which would be immediately commenced, and it was hoped it would have the effect of alleviating the distress. The subject would continue to receive the most anxious attention of the Government.

BUSINESS OF THE HOUSE.

QUESTION.

SIR JOHN OGILVY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Reform Bill for Scotland would be proceeded with that evening?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Government have no intention whatever, and there would be no prospect if they had the intention, of proceeding with the Scotch Reform Bill this evening. But perhaps it would be convenient to the House that I should now state what course we propose to take with regard to the Bill for the Representation of the People. On a former occasion I told the House that if possible I should place on the table this evening the procedure which we would recommend in consequence of the Amendment of the hon. Member for Newark (Mr. Hodgkinson.) We find that we can deal both with the Small Tenements Act and all other Private Rating Acts. I will place our proposal on the table, and it will be in the hands of hon. Members to-morrow. What I now propose is that, after the Committee passes the 4th clause, which relates to the county franchise, we should recur to the plan which I suggested some time ago, and which seemed to me to be agreeable to the House. Inasmuch as our propositions will take the shape of Amendments to the 34th clause, I suggest that we should postpone the clauses between the 4th and the 34th, in order that we should consider the Amendments on the latter; because I think it is desirable that the Committee should come to a decision upon them as soon as possible. I would also suggest that we should commence the morning sittings next week for the purpose of disposing of the Reform Bill, and that we should have those sittings on Tuesday and Friday. I would also wish the House to consider whether it is not in our power, by the redistribution of the hours, to render our morning sittings more efficient. I think that if we were to commence our morning sittings at two o'clock, with an interval from seven to nine o'clock, we

should find it greatly to our advantage. I have always found that from seven till nine o'clock is a period when hon. Members are least anxious to be present. The House appears to be favourable to my plan, and in order to allow hon. Members an opportunity of making up their minds, we can at least try the experiment for a week. It appears to me that if the plan I propose is assented to we shall do more work and in a more agreeable manner. As my proposition does not appear, generally speaking, to be unacceptable, we will on Tuesday have a morning sitting at two o'clock.

MR. CRAWFORD said, he hoped that some other business than the Reform Bill would be taken at the morning sittings. There were many hon. Members who might not be able to attend the day sittings.

MR. BOUVERIE said, that it would be necessary to make an alteration in the Standing Orders if the suggestion of the Chancellor of the Exchequer was to be carried into effect.

THE CHANCELLOR OF THE EXCHEQUER said, he would give notice to-day, and propose the alteration on Monday.

HABEAS CORPUS SUSPENSION (IRELAND) ACT CONTINUANCE (No. 2) BILL.
(*Lord Naas, Mr. Attorney General for Ireland.*)

[BILL 165.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Naas.*)

MR. MAGUIRE: Sir, it is quite impossible that the grave proposition now before the House can be allowed to pass without some remark on the part of Irish Members. The subject is of as much importance as any which has claimed the attention of Parliament this Session, and I desire to refer to it on an occasion which challenges observation—the second reading of a Bill for extending the Suspension of the Habeas Corpus Act, or, in other words, suspending the constitutional liberties of an entire nation. But, Sir, there is a matter connected with the Bill now before the House which not only calls for its attention, but requires from the Government a distinct and satisfactory explanation of what, without such explanation, would seem to involve their honour as the responsible Advisers of the Crown.

To render the matter intelligible, I must go back somewhat, but not further than the commencement of the present Session. Parliament was opened on the 5th of February with the usual Speech from the Throne, and in that Speech Her Majesty was made to state that the measures taken by the Government had "rendered hopeless any attempt to disturb the general tranquillity." Then follow these words:—

"I trust that you may consequently be enabled to dispense with the Continuance of any exceptional Legislation for that Part of My Dominions."

Here is a formal announcement from the Throne that the continuance of the Suspension Act is no longer necessary, and that the time had come when the constitutional liberties of the country could be safely restored. Was this an honest *bond fide* announcement, or was it a flourish of trumpets with which to open a Session with *éclat*? But not only was this announcement made to Parliament in the Queen's Speech, but there was a special proclamation of the intentions of Government made to the people of Ireland from the hustings in Galway. It was on the occasion of the promotion of Mr. Morris to the office of Attorney General. Addressing the electors of Galway, the right hon. Gentleman used these words, as reported in *The Freeman*—

"He came before them as Her Majesty's Attorney General in this kingdom, and he was proud to announce that upon his advice and responsibility the Executive of this country had come to the conclusion it was safe—that it was more than safe—that the people of Ireland should live under a free constitution; and that measures which he supposed were necessary for the public welfare, although personally he might have had doubts even of that—were no longer needed—that the time had come when it could go forth that the loyalty and conduct of the preponderating majority of the people of Ireland were such that they were not to be kept at the mercy of a suspended constitution."

But, Sir, what happened in a fortnight after the solemn utterance from the Throne, and the joyful proclamation from the hustings at Galway? The Government came to both Houses of Parliament, and demanded a continuance of the Suspension Act. What was the meaning of this contradiction? What is the explanation which the Irish Secretary can offer for the Irish Executive? When moving the second reading of the Bill, Lord Derby said he ought rather apologize to the House for having held out a delusive hope in the Speech from the Throne; and when he came to clear up the mystery of the speech

of his Irish Attorney General, he was as unlike Lord Derby as possible; for the explanation was about as satisfactory as that which Joseph Surface gives to Sir Peter when the screen falls and reveals the French Milliner in the person of Lady Teazle. Parliament was opened on the 5th of February with the assurance that exceptional legislation was no longer necessary; but in a fortnight after that legislation was unanimously passed by both Houses. On the 6th of March an armed insurrection took place, and ended happily without the effusion of blood—a result at which I rejoice with every right-minded man, not alone in this House, but in the country. But the armed insurrection did take place on the 6th of March. We now come to a step further—to the trial of Burke and Doran for high treason. Who was the chief witness for the Crown? Whose evidence was it that tightened the rope round the neck of Burke, assuming that the Government are reckless and desperate enough to put the sentence in force? The witness who was next in importance to Massey was Corydon, and upon his evidence the Crown chiefly relied. Now let the House see what Corydon asserted. Why the very last question asked by the Crown, in his direct examination, was this—

"Have you not been in communication with the authorities since last September?"

On his cross-examination he swears he began to give information in September. He is asked—

"Did you tell the authorities the rising was contemplated?—I did.

"Did you give the names of the places where the American officers could be arrested?—I did.

"Did you know of your own knowledge that those places were watched by the police?—I did.

"And that continued during the months of September, October, November, December, January?—It did.

Here is still more important evidence. He is asked—

"Did you give information to the police authorities in Ireland?—I did.

"Was it verbally, or in writing?—Writing.

"How often were you in the habit of giving them information?—Very often.

He is asked was it as often as two or three times a week? Here is his answer—

"Yes; whenever I had anything of importance to communicate."

According to the sworn statement of this Corydon—this Government spy and informer—this instrument in their pay—he was in constant, almost daily, communica-

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tion with them from the 16th of September to the opening of Parliament; and yet the announcement of the 5th of February was made in the Royal Speech, notwithstanding that the spy of the Government had been keeping them fully acquainted with every particular of the movement then going on. How is this to be explained? And surely it requires explanation at the hands of the Government. If the Government were in the daily receipt of information from their chief informer, why did they announce that there was no prospect of the peace of the country being disturbed, and no further necessity for the continuance of exceptional legislation? I ask the Government is Corydon a perjurer as well as a spy, or is he worthy of confidence? If he is a perjurer, why was his evidence relied on against accused men? If his evidence was reliable, how came it that the Government stated in the Queen's Speech that there was no further necessity for exceptional legislation? Furthermore—and this is a matter of much graver importance—why had the Government allowed the attempt at armed insurrection to take place on the 6th of March? Here, Sir, is a problem which I admit is bewildering to my mind—either Corydon was a perjurer, and therefore one who ought not to be pitted against the lives and liberties of men, or the Government had full information of every step of the conspiracy, and yet allowed it to mature into insurrection before they interfered to crush it. We have heard of such things being justified by the dark policy of a Castlereagh; but any attempt to carry out such a policy at the present day, is not only opposed to the manly spirit of the English people, but must be characterized as mean, dastardly, and wicked. Lord Derby, on the 25th of February, used these words in “another place”—

“Lord Naas, on returning to town before Christmas, did express a strong opinion that we should be able to do what we all unanimously regarded as desirable—namely, to allow the Suspension Act to expire, and to rely upon the ordinary law for preserving the peace in Ireland”——

LORD NAAS: It was after Christmas, not before Christmas.

MR. MAGUIRE: Then after Christmas makes the case stronger, as it was nearer to the time when Parliament was opened with the Speech from the Throne. But the noble Earl added—

“Whether, owing to the expectations created by the announcement of the speedy expiring of the Act, or to a belief that the Act had actually

expired, certain it is that immediately after that declaration there was a renewal of excitement.”—
[3 *Hansard*, clxxxv. 912.]

Therefore Lord Derby held his own Government responsible for the renewal of the excitement. [“No, no!”] Hon. Gentlemen say “No, no!” but at any rate the excitement, as Lord Derby said, followed on the declaration made in the Royal Speech. I shall leave this part of the subject with one remark—that, in my judgment, what has been stated requires a distinct and clear explanation on the part of Her Majesty's Government. I myself do not venture to pronounce an opinion on it, really not knowing what to think of it, or how to reconcile its seeming contradiction. It has, as the noble Lord must be aware, excited the profoundest feeling in Ireland, and been made the subject of comment, not only in the Irish press, but in the press of England. If the Government answer, so as to satisfy the House and the country, then, Sir, they may thank me for having afforded them the opportunity of a formal reply. But, Sir, there is something of far greater importance to occupy our attention than the continued suspension of the Habeas Corpus for a few months longer—that is, the circumstance in which Ireland is found at the present moment. It is now sixty-seven years since those who went before you deprived Ireland of the power of legislating for herself. It is sixty-seven years since England assumed the responsibility of managing the affairs of that country, and you, the Parliament of this day, are the inheritors of that responsibility. And what have you done—what are you doing—in discharge of that responsibility? You seem determined to push one measure to completion, and that measure one for suspending the liberties of the Irish people. What is the condition in which you find that country after your sixty-seven years of management? In a state of chronic insurrection. Can that be denied? I appeal to English Gentlemen earnestly in a matter which affects their honour as the inheritors of a great trust, and I ask them, who in all their private relations are men of kindness and justice, and who would willingly do no wrong—I appeal to them whether the condition of things in Ireland is creditable to them as legislators, or creditable to the Government of England. The condition of things in Ireland is not, I admit, owing to the desire to do wrong, but owing to

the neglect or indifference of this House. I beg of hon. Gentlemen not to deceive themselves by regarding the Fenian movement as one purely American. There could not be a more foolish or a more dangerous delusion. Had there been peace and contentment in Ireland, we never should have heard of Fenianism—it is the discontent which exists in Ireland that supplies fuel to the flame. If there were prosperity and content in Ireland under English rule, the idea of an insurrection promoted from the other side of the Atlantic would be simply pooh-poohed. The fuel which feeds the flame is the permanent discontent of the Irish people, arising from the neglect of its duties and responsibilities by Parliament. Do you require proof of this? If so, I have it at hand. Some twenty years ago the right hon. Gentleman the Chancellor of the Exchequer drew a vivid and masterly picture of Ireland, which in all its broad features is as true now as it was then. He said—

“That dense population in extreme distress inhabited an island where there was an Established Church, which was not their Church, and a territorial aristocracy, the richest of whom lived in distant capitals. Thus they had a starving population, an absentee aristocracy, and an alien Church; and, in addition, the weakest Executive in the world. That was the Irish question.”

The right hon. Gentleman also used an expression which I dare not, at least at this moment, venture to make my own, lest I should be charged with complicity with Fenianism. The right hon. Gentleman said—

“What would hon. Gentlemen say if they were reading of a country in that position? They would say at once, ‘The remedy is revolution.’”

Let the Conservatives of England remember that these words have been uttered by their Leader, a man of whom they are justly proud. The right hon. Gentleman wound up his speech with these significant words, which I fully endorse. And I ask him simply to legislate on that policy—

“The moment they had a strong Executive, a just administration, and ecclesiastical equality, they would have order in Ireland, and the improvement of the physical condition of the people would follow.”—[3 *Hansard*, lxxii. 1016.]

Yet, Sir, notwithstanding these utterances, it was declared a few nights ago by the Colleagues of that right hon. Gentleman, that the ecclesiastical inequality which still exists in Ireland was a dream of the imagination—that the “alien Church” was not a real grievance, but a sentimental grievance—that it could not be felt

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by the Roman Catholic population of 4,500,000, unless it could be proved that they suffered in pounds, shillings, and pence. Sir, a greater outrage on the honour and pride of the Catholics of Ireland could not be uttered than in the assertion that the existence of the Established Church was a mere sentimental grievance. At any rate, the “alien Church” still exists in that country. Then as to the fundamental question of the land, how do we stand at this moment? You are toying and trifling with this question, while you are passing a measure to suspend the liberties of the people. It is true, the Order is still on the Paper, but there are two Notices with respect to it—one by an English Member, who knows nothing whatever about it, that it be got rid of by discharge—the other by a Northern Irish Member, that it be read this day six months. There is one feature wanted to complete the picture of the “Irish question” drawn by the Chancellor of the Exchequer. What do we behold this day? The people are leaving the country at the rate of 100,000, or 120,000 a year—and these not the old, the decrepid, the broken-down, but the young, the vigorous, the active, and the intelligent—the very class who are welcomed with open arms in other countries. The right hon. Gentleman lately described this gigantic emigration—this rush—as a national hæmorrhage, for which it was the duty of Parliament to provide a styptic. But, Sir, Parliament has provided no styptic, and the exodus still continues unchecked. There are many Gentlemen in this House, and many more out of doors, who regard this hæmorrhage—this wasting away of the national life blood—as the solution of the difficulty. Never was there a greater mistake. This Irish migration is full of danger. But it is also discreditable to Parliament. One of your ablest men, the hon. Member for Westminster (Mr. Stuart Mill), well said, that when a people were rushing from the shores of their country their rules were *ipso facto* condemned. A writer in *The Times* lately took a cheerful view of this emigration—this hæmorrhage; he asserted it had a cheerful aspect, which a few years would disclose. I can see nothing cheerful in it—nothing for Ireland—nothing for England. I admit it may be good for the individual, and that if he selects the right place for his special industry, and combine sobriety with patient energy, he has every

chance of becoming an independent member of a free community. *The Times* remarked some time ago that the Irish were "going with a vengeance," and the writer was not then conscious of the force and meaning of those words. Sir, they have been going, and are going, and will still go, "with a vengeance." That feeling of vengeance crosses the ocean with them, follows them on the prairie, into the forest, down into the mine, into the busy haunts of men—it is with them in their daily toil, it returns with them to their dwelling—it is transmitted by them to their children and their children's children. I tell hon. Gentlemen that they deceive themselves if they imagine there is no danger in the future. A Catholic Bishop, the right rev. Dr. Keane, who resides at Queenstown, whence the people are flying at the rate of 2,000 a week, warned a Committee of this House of this danger, when he declared that no language which he could employ could represent the intense feeling of hatred of England with which the emigrants quitted this country. Therefore, so far from this emigration, or hæmorrhage, being a solution of the difficulty, it is only an aggravation of danger. There is no doubt of this—that every 100,000 who leave Ireland with such feelings as are rather indicated than described, only add to the danger, because they are multiplying the number of the enemies of England. You cannot extirpate a whole nation, for it would take twenty years to get rid of 2,000,000 more; but every year tends to swell the strength of your undying enemies, and to increase a source of permanent and abiding danger. In the interests of peace, which I desire to preserve, and of this Empire, which I would wish to strengthen through just legislation, I warn the House and the country of the danger which exists—which I believe and know to exist. But let hon. Gentlemen rely rather on the authority of an Englishman than upon mine. A few weeks ago my attention was called to a remarkable letter in *The Daily News*, from its New York Correspondent. The writer betrayed in that letter the bitterest hostility to Irishmen in America, and employed every word of scorn and contumely for its expression; but on two occasions in his letter he warned English statesmen of the imperative necessity of dealing promptly and vigorously with the Irish difficulty, by the removal of every Irish grievance, for he said that the Irish were

"multiplying enormously," and that they were certain to drag America into war with England on the first opportunity; and he showed, by reference to frequent elections, how the institutions of America afford to parties the inducement to play into the hands, and pander to the prejudices or to the passions of so powerful and active an element as the Irish. The writer again and again warned England, that unless Irish grievances were removed, and the people at home rendered prosperous and happy, the terrible result which he dreaded would occur. I can personally endorse the statement, and I earnestly enforce that warning. Now, Sir, let me be distinctly understood as to my own opinion and feeling on this grave subject, which I deal with in all solemnity. Such an event as a war between England and America I should regard as one of the greatest calamities that could befall the sister country, inasmuch as Ireland would be made the battle-field of the contending parties, and, whoever triumphed, Ireland would be sure to have the worst of it. Englishmen are proverbially a brave and stiff-necked race, and are not to be daunted by threat or menace. That I know, and I mean nothing of the kind; but let them not imagine that they would not suffer from a war with America. A twelve months', or even a six months' war with America would be fatal to England. This is, no doubt, a great country; but great in what? She is great for her manufactures, and commerce, and industry. Let war be declared; let a fleet of *Alabamas* sweep the seas; let the commerce of England become unsafe; let the rate of insurance go up; and where would she find a vent for her manufactures? What would become of her multitudinous population in her hives of industry—in her mills, her factories, and her mines? Why, she could not support them for three months with her own corn or her own produce. On the other hand, America would be safe. Her seaboard might be ravaged, and her towns bombarded, but no blow could be aimed at the heart of the vast and gigantic Continent, for America could do what England could not—she could feed her myriad people. In her isolation, so advantageous in the time of peace, with the ocean an uninterrupted highway, would England find her greatest danger in time of war. I venture to say that your late and present Ambassadors—Lord Lyons and Sir Frederick Bruce—could they speak with

freedom, would corroborate me as to the feeling which exists in America on the part of the Irish portion of the population, and as to the wisdom of removing every just cause for Irish discontent at home. The fact is, there is a larger Irish population at the other side of the Atlantic than there is at this side of the Atlantic, and the only means which there is in your power of propitiating the Irish in America is by doing justice to the Irish in Ireland. The people of Ireland should be made so contented that every man would say to their brethren in America, in event of hostilities being threatened by the United States, "For God's sake, don't disturb us; we are happy and prosperous as we are; any war between the two countries would be the greatest calamity that could happen to us, and in the name of our common race, don't provoke it." Neither let it be supposed that the danger is confined to those who are Fenians so-called. I have met hundreds, nay thousands of Irishmen in America who had no sympathy with Fenianism, who even denounced it as an imposture, but who said that if they saw any real opportunity of helping Ireland against this country, they would be content to sacrifice half what they were worth in the world to do so. Still there were many among men of this class who detested the idea of war, and who only desired to know that their brethren in the old country were happy and contented. Give to Irishmen at home something like the same land tenure and the same religious equality which you have given to the people of Canada and the other British colonies, and you will then lay the foundation for future contentment and tranquillity. What I have said has been in an earnest and an honest spirit—with the sole view of drawing the attention of Parliament to a state of things, at home and abroad, which I know to be full of misery and danger. If my motives are misunderstood, I cannot help that; but I do implore a thoughtful consideration of the facts which I have mentioned. For my part, I have no hesitation in stating what I desire to see. I wish to see the state of things in Ireland such that if an appeal were made to the valour of the Irish in defence of the Empire, there should be but one response from all parts of the country. To do that, as the right hon. Gentleman himself has said in former Parliaments, you must make the people contented by improving their physical con-

dition, by a wise administration, and by impartial laws. Then, and not till then, will you be able to rely on the loyalty and the attachment of the Irish people. In conclusion, I will only ask of this House to act in the spirit of the great principles laid down by the late Chancellor of the Exchequer; and, no matter what momentary irritation there may be still lingering in the mind and heart of the people, you will turn over a new leaf in the history of Ireland.

MR. ROEBUCK: Having heard the speech of the hon. Gentleman, I ask myself for what purpose was that speech made, and I find it very difficult to answer the question. The hon. Gentleman began by assailing the Government concerning the late Fenian outbreak, and said it behoved the Government to answer the question he put. What was the question? That being in communication with one of the Irishmen who betrayed their friends, which always happens, the Government in spite of his asseverations said they believed that Ireland would be peaceful, and the Queen in Her Speech said so, whereas it turned out that Ireland was not peaceful. Was the Government to blame for that? No; but they were to blame for this—that men were tried and convicted upon the information and evidence of informers. I want to know when it has ever happened that in a conspiracy you can convict anybody except by the evidence of conspirators. These persons were convicted upon the evidence of an informer. But did that informer speak the truth? After their conviction the prisoners admitted it. They said they would do again what they had done. What had they done? They had conspired against England, and were properly convicted. Is there any answer to that? Can anybody say that the trials were unjust? Never were there fairer, more merciful, more considerate, more thoroughly just trials. Yet the hon. Gentleman accuses the Government of doing something wrong. There has been nothing wrong. Then the hon. Gentleman rushes into the whole subject of Irish grievances. In the first place, I will make an admission. Up to 1829 nothing could have been worse than the Government of Ireland. I allow that. But from that time to this the House has been doing all it could to alleviate the physical, the constitutional, and the moral injuries of Ireland. There have, however, been ob-

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stacles, and among the chief of those is the language used by hon. Gentlemen. Can hon. Members believe that their poor, uneducated, miserable countrymen in Ireland can see the truth and the right when they themselves, gentlemen in their position, in this House, and before the people of England, dare to say we are unjust to Ireland? I say that a more foul calumny, a more gigantic falsehood, was never uttered. ["Oh!"]

MR. MAGUIRE: I rise to order. I wish to ask you, Sir, as the highest authority in this House, is that language consistent with the usages of Parliament?

MR. SPEAKER: Certainly not, if it was addressed to any particular Member of this House, or pointed at any particular allegation.

MR. ROEBUCK: I did not intend to point at any particular Member. But I say if anybody asserts that in its Constitutional efforts to assist the people of Ireland this House has forgotten the miseries of Ireland—that this House in its legislation has set up its own individual benefit in contradistinction to that of the Empire at large—it is a glaring falsehood.

MR. MAGUIRE: Nobody said so.

MR. ROEBUCK: Then, if nobody said so, why do you interfere?

MR. SPEAKER: I think the terms used by the hon. and learned Gentleman are hardly such as should be used in this House.

MR. ROEBUCK: I always bow, Sir, to your commands, and if you think that I have said anything but the truth I withdraw the expression? But I ask what is this House to do. "Oh!" says the hon. Member, "relieve the miseries of the Irish people." How is that to be done? "By legislation," says the hon. Member. By what legislation? Then he points to the Irish Church. Now, can any man in his senses believe that the poor people of Ireland are made wretched by the existence of the National Church? Nobody dislikes hierarchical ambition or the predominance of priests more than I do, and I do not like one priest more than another. But I cannot understand how persons in this House can say that the House of Commons is not well disposed, conciliatory, and in every way anxious to do justice to the Irish people. Then you talk about the relations between landlord and tenant. Sir, Englishmen are very much accustomed to apply the habits of their own country to other countries. What is the habit of

England in this matter? To leave the landlord and the tenant to settle their own private affairs. I want to know why Irishmen cannot do the same? Then we are told that Irishmen are rushing from the country in millions. I think that a very happy thing. I will tell you why. They benefit themselves by going. A man goes from Ireland to America. He becomes wealthy. He is happy in his circumstances. He is relieved from the misery he endured in his own country. He therefore benefits himself. But besides that he benefits those he leaves behind. He relieves the labour market. But what happens? I know full well, without the aid of the hon. Member to tell me. He carries out of his country a burning hatred of England. But is that just? Is it the feeling of a wise man? No. It is the feeling of an ignorant peasant. But it ought not to be the feeling of the hon. Member. But the peasant is in misery. Why? Not because England is there. Was ever the Irish peasant out of misery whether England was there or not? He is not in misery because of England, he is in misery because of the state of things in his own country. Not the political state of things, but a state of things over which no Government can have control. The man is in misery. He leaves his country. In his heart he feels an enmity towards somebody, and his enmity is directed by hon. Gentlemen who say that it is all owing to the Government of England. In 1798 or 1803, when men went abroad, it was through the misconduct, cruelty, and injustice of Government. That those men should have had in their hearts a burning hatred of England I can understand. But how a man can go out of Ireland in 1867, if he were taught to think fairly and justly of the state of Ireland, and believe that he was a victim of Government wrong, I cannot understand. Government has nothing to do with it. Let us consider the state of Ireland as compared with England. First, as to the law. Is not justice as well administered? Can any one say that injustice is done to any individual because the English Government is there? In criminal law, in civil law, in every relation of life, is not perfect justice rendered to every man in Ireland. Sir, I assert that it is, and I dare anybody—not to contradict it, because I know the hardihood of contradiction—but to prove the contrary. Are not their ports open as

ours to perfect freedom of trade? Is there any coercion in that quarter. Can you put your finger on any point of the law of Ireland in which the Irish people are worse treated than the people of England? You talk of the state of the Irish peasant. Is his position different from that of the English peasant? But there is a dominant Church in Ireland. You say, and it is true, that the Roman Catholics are a large majority of the people of Ireland. But the Dissenters of England are a large proportion of the people of England. ["No!"] You may say what you like; but the Dissenters of England form a large portion of the population. I do not say they are the majority. Take that large portion of the people of England, and compare their position with that of the Irish Roman Catholic. Is there any difference? There is a dominant Church in England. You call it a dominant Church; but was there ever a church more gentle, more humane? [*A laugh.*] I want to know what sort of a mind has the man who laughs at that? It must be a distempered, a disordered, a perverted mind. To say that the Church of England is a domineering Church is utterly false. It is a milder and less ascetic Church than any Church in the world. Its leaders are scholars, gentlemen, and Christians. Would I could say that of every Church. Well, I have taken the criminal law of the two countries, their civil law, their commercial institutions, their ecclesiastical relations. I ask boldly, what is there in the state of the people of Ireland—"the trampled-down people of Ireland," to adopt the language generally used—to distinguish them from our countrymen on this side of the Channel? Sir, there is no difference. It is by discourses like that we have just heard addressed to people suffering from calamity, poured into the ear of the nation, telling them that their misery arises not from excesses beyond control, but from the Government to which they are subject, that the feeling of hatred to this country is nursed and perpetuated. I say there is nothing more mischievous. The hon. Gentleman may talk of his good intentions; but there is a place I shall not mention, which is said to be paved with good intentions. I believe nothing can be more mischievous, nothing could do more injury to the country of the hon. Gentleman, than a speech like that we have just heard.

MR. BRIGHT: I wish to make an observation or two on the speech of the hon.

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and learned Gentleman, which is very much like that which he has delivered before on two or three occasions when Irish questions were before the House. I think in this speech he did my hon. Friend (Mr. Maguire) great injustice. With regard to the point before the House—the further suspension of the Habeas Corpus Act—I understood my hon. Friend to ask a question of the noble Lord (Lord Naas) with regard to the conduct of the Government in reference to the evidence of one of the informers. My hon. Friend's charge against the Government—I will not say charge, but will say question—my hon. Friend's question is a very fair one. I think that every Member of the House will admit it is a necessary question, and one that should be put and answered. As I understood him, his statement is this:—At the beginning of the Session the Government proposed to restore the Constitution to Ireland and discontinue the suspension of the Habeas Corpus Act. They stated in this and in the other House of Parliament, in the Queen's Speech, and by the mouth of the late Attorney General for Ireland at his re-election, that from the state of Ireland they were sure that this could then be safely done. The late Attorney General for Ireland used an expression peculiar, I suppose, to his country—he said it was even more than safe. At that time—and from the end of last Session to the beginning of the present Session, and to a later period, every month and week, nay, twice a week, this informer, on whose evidence two men were condemned to death, was communicating constantly with the Government, giving them the most minute information of the various meetings of the conspirators, of the plans in contemplation, and of the time of the projected rising. I presume that the noble Lord and the Irish Government in Dublin knew as much of the progress of the conspiracy as the conspirators themselves. My hon. Friend says, if that were true, why did the Government when Parliament met propose to discontinue the suspension of the Habeas Corpus Act? Another and more important question put by my hon. Friend to the Government is this—"Why did not you, knowing that this unfortunate combination was gathering strength and coming to a head, arrest, under the powers that Parliament gave you, the leading men of the conspiracy, on every one of whom you could place

your finger—whose names are in your office—and whose weekly transactions were reported to you by this informer?" If you had done so you might have prevented the rising of the 6th of March. You might have also prevented the necessity for trying the men for high treason in the Courts in Dublin who are now lying under sentence of death. That is a fair question to put to the Government, and the House of Commons has a right to have that question answered. I did not understand my hon. Friend to say that the Chief Secretary could be a person that would wish to encourage a conspiracy until it broke out in open insurrection, to have the satisfaction of a bloody vengeance. Every man who knows the noble Lord as I know him, from having seen him in this House for many years, must feel convinced that he is actuated by the kindest and most just feelings towards Ireland in the execution of the office he holds. But this is a case in which my hon. Friend is justified in asking this question and demanding an explanation. That was the object of my hon. Friend, and the hon. and learned Gentleman (Mr. Roebuck) contradicted him. I said the other day that the hon. and learned Gentleman was always ready to contradict everybody. He gets up now and not only contradicts my hon. Friend, but makes him make a speech he never made—and then he contradicts that. He reminds me of a case I saw the other day in the newspapers, in which a man objected to serve on a jury. The Judge said he was wrong in making the objection, because every man should be willing to serve as a juror, and therefore he could not excuse him. The man then said, "I am not fit to be a jurymen, for never in my whole life was I able to agree with any one." But the Judge encouraged him to act, and told him he should serve as a jurymen. He then said that was not his only infirmity, for he had discovered that he was not able to agree with himself. That is the case with the hon. and learned Gentleman. On every occasion on which the hon. and learned Gentleman has addressed the House during the two or three last Sessions he has in the most distinct manner contradicted almost everything he said during the former years of his life. He insists upon it now that the people of Ireland have no grievance. This is his unsupported assertion against the evidence

of an entire people. No one denies that it is the universal opinion of the Roman Catholic population of Ireland that in that country there are grievances to which this House does not pay attention. I am able to say—what every Member who comes from Ireland can also say—that this opinion is not confined to the Roman Catholic population, but that there is found to prevail amongst a vast number of the Protestant population as strong a feeling of condemnation respecting the usual course of conducting Irish affairs as exists amongst the Roman Catholics themselves. I would prefer the evidence of a whole nation as to their grievances to the dogmatic assertion of the hon. and learned Gentleman to the House. But he has ventured to particularize. He asks the House what difference there is between the Roman Catholics in Ireland and the Dissenters in England. I am a Dissenter in England—a Dissenter of Dissenters. I disapprove not only of the Church of England, but of all Established Churches. But I do not feel the Established Church in England to be a grievance to me in the sense I should feel the Established Church in Ireland to be a grievance to me if I were an Irishman and a member of the Roman Catholic Church. The difference is enormous.

MR. ROEBUCK: How?

MR. BRIGHT: The hon. Gentleman says "No."

MR. ROEBUCK: No. I never uttered the word "No." I said "How?"

MR. BRIGHT: I am glad to hear the hon. Gentleman's explanation. I shall proceed to tell him how. In England the Established Church is at least as old as Dissent. At the time when Dissent became an existence and a power in England, and previously to that, the Established Church was the Church of all the people. It did not confiscate the property of Dissenters, or any of the ecclesiastical funds which they, as Dissenters, had ever possessed. The Established Church remained, as it had ever, a great Institution of the State. Men who held different opinions—the Nonconformists of that day—gradually withdrew from it, because they found in their own Nonconformist organizations what was a greater solace in the performance of worship. They—I speak of the bulk—did not feel that the clergymen and the people about the Church had turned them out, confiscated their revenues, or supplanted them. They withdrew voluntarily from the Established Church. Al-

though they might not believe that an Established Church was a good thing, yet, as long as it remained the great Institution of a nation and supported by the great majority of the nation, they felt that it was not in any degree a special grievance which might justify them in disloyalty, discontent, or insurrection. But in Ireland the case is wholly different. In Ireland it is not, as in England, that there is no essential difference between the Established Church and those who are Non-conformists. There is the greatest difference in Ireland between the professors of the Established Church and the professors of the Roman Catholic faith. There are great and essential points of distinction between the two Churches. Then the Protestant Church in Ireland came in there with the English soldier and the English power. It came in there with the power which confiscated the land, put an alien proprietary there, and dislodged, with a cruelty of which history has scarcely a parallel, the population who had been the possessors of the soil. Not only that. It confiscated the ecclesiastical revenues of the people. It placed them at the disposal of a small garrisoned minority, holding a faith the great body of the people repudiated in connection with a political supremacy hateful to the population. If the hon. and learned Gentleman has studied politics for—I am afraid to say how many years, but I have known him as a politician for thirty years—if he has studied politics all that while, and has not yet been able to discover that there is an essential difference between the position of the Roman Catholic in Ireland and that of the Protestant Dissenter in England with regard to the Established Church maintained in both countries by Parliament, then I say that I should have no hope whatsoever by anything that I could say to bring him to a different mind. But I venture to say this—that such speeches as he has made to-night—and such as he has made heretofore in this House—are a thousand times more calculated to stir up hostility against the English Government and the Imperial power in Ireland, than any speeches that I have ever heard from any Irish Member on this side of the House. The hon. and learned Gentleman spoke of my hon. Friend and those who think with him as if he and they were the instigators of the discontent which exists in Ireland. My hon. Friend has recently paid a visit of some months to the

United States. He has been there for the purpose of examining the condition and studying the sentiments of his own countrymen in the American Republic. He stands up here to-night on this sad occasion, when, for I know not how many times during our political lives, there has been some measure of coercion or repression proposed for Ireland—he stands up here to-night to lift what he calls so justly a warning voice in the ears of the Parliament of England, and to ask them to meditate upon what they are doing or not doing with regard to his country. He probably does not believe—not one of us believes—that there is that discontent in Ireland which, alone and unaided from any other country, can make a serious contest with the power of England. But the discontent is not the less discreditable to us, and it is scarcely less hurtful to the Empire than if it were more powerful and more able to contend with England. What my hon. Friend says is this:—In the United States at this moment there are more Irishmen, or descendants of Irishmen, than there are in Ireland itself. Almost every man there of the Irish race is filled with a bitter hostility to England. In the case of some of them, from what they felt, and in the case of the rest, from what they have heard, known, or believed, in regard to the condition of their countrymen in Ireland. He says the time will come—he fears it will—he knows it possibly may come, when three, four, five, or six millions of Irishmen in the United States, by their action upon political parties and political leaders, may force that country into conflict with England. You know what political leaders can do. You have seen here—and not in this Session only, but in many Sessions—what can be done by means of a great agitation. You know how political leaders will bow down, bow themselves in the very dust before an agitating power which they are constantly pretending to despise. So it is in America, where every man votes, where everything is done in the streets, and where in every action of the Government there is the manifestation of the popular will. In that country, four, or five, or six millions of Irishmen, acting at the poll, influencing political leaders, influencing the press everywhere more or less, can, if there arise some question of difficulty between the United States and England, just throw themselves sufficiently into the scale to make peace impossible. If peace should

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become impossible and war certain, I ask, what would be the condition of this country with the sentiment in Ireland, disloyal and angry as it is, and with another and a greater Ireland within ten days of steam, to hold out its hand of sympathy to your discontented people? I say, Sir, that this is a great question, and that Irish Members ought to be banished to their own side of the Channel if they could sit in this House and see proposals of this kind brought in Session after Session and not raise their voice. My hon. Friend, one of the most eminent of the representatives of his country, one of the most popular and trusted representatives of the Irish people, who knows accurately the sentiments of his race and people upon the American continent, instead of being assailed as he has been by the hon. and learned Gentleman, is entitled to the cordial and hearty thanks of every friend of the United Kingdom of Great Britain and Ireland for the speech which he has addressed to the House to-night.

LORD NAAS: The hon. Gentleman who has just sat down commenced his speech by repeating a question which was put to me by the hon. Member (Mr. Maguire), with regard to a course of proceeding alleged to have been taken by the Government in dealing with the Fenian conspiracy. I do not impute to the hon. Member (Mr. Maguire) any intention to make a charge against the Government. But I have observed that in Ireland, during the late trials, by the Fenian newspapers and also by a portion of the English press, a charge has been brought against the Government to this effect:—That they being fully aware of the nature and object of this odious conspiracy, and also of the persons who were engaged in it, did not take steps at the earliest moment to make these persons amenable to justice, and that they played with the conspiracy for the purpose of putting it down by force. Such a charge made anywhere is as serious a one as can be brought against a Government. As far as the present Government are concerned, it is as calumnious an accusation as was ever made. I am sorry that I had not some previous notice of this question. I should have been in a better position to answer it circumstantially than I now am. When I came down to the House I had no idea that this question would be raised. But having observed in the public prints that these charges were

made, I did last night, with the limited means at my disposal, look over some documents, which will enable me to show the House, very soon, how utterly and entirely baseless they are. Sir, the whole policy of the Government was the reverse of that indicated. From the first moment that I took office, by all our efforts and communications, we impressed upon our Colleagues here that no exertion should be spared to nip every appearance of conspiracy in the bud, and to prevent anything like an armed outbreak occurring. I looked last night at a letter which I wrote as far back as the month of October to my right hon. Friend (Mr. Walpole), and I there found that I distinctly stated what I conceived to be the imperative duty of the Government, that they should not allow a single man who they were convinced was taking a leading part in this treasonable movement to remain at large. The Government have followed that rule throughout. Every particle of information that was available was acted upon as it was received at the earliest moment. To revert to the 20th of September last. We received information that there was a dépôt of arms existing at Liverpool. In connection with that dépôt there was a considerable quantity of that chymical compound called liquid fire, which I am sorry to say has been manufactured to a large extent by these men for the purposes of incendiarism. The instant we obtained that intimation, directions were given for the institution of a search on the spot. That search was successful. A considerable number of arms were found, and also a quantity of the diabolical agent of destruction which I have mentioned. For some time after that the communications made to us were of so general a character that it was impossible for the Government to act upon them. The information we received, during the early part of the autumn, generally affected individuals who were then either in England or on the Continent, but not in Ireland. Therefore, no action could be taken in the month of October. But in consequence of the communications which were made to us from various quarters in the early days of November, orders were given to the constabulary generally throughout Ireland to furnish us with confidential reports as to the existence and the condition of the Fenian conspiracy. The result showed that great activity had commenced to prevail. There

were all those symptoms—with which we are too familiar—that it was the intention of the leaders of the Fenian movement to revive their operations. In consequence of these orders given, a long list of names was sent up to us by the constabulary officers. Those names having been carefully scrutinized and inquired into, forty warrants were issued for the arrest of various persons, about the 27th of November. Those warrants were issued against men whom we knew to be the local leaders of the Fenians in various parts of Ireland. No inferior persons were noticed. The policy of the Government was to arrest the leaders and prominent members of this conspiracy wherever we could. I believe that nobody was arrested who was not either what is called an A, a B, or a C in the movement—that is, a colonel, a captain, or a sergeant. To show how promptly the Government acted on the intelligence they obtained, I may state one circumstance. On the 28th of November we received information that a man named Power had taken premises of considerable magnitude in Dublin for Fenian purposes. A dépôt of arms had been established there, and we found that this person, together with others, was engaged in distributing arms through the city at night. It turned out afterwards that it was his practice, with one or two others, to go about from place to place in the night in a cab and distribute arms to those who were willing to receive them. On the 4th of December, Power was arrested with several of his comrades. His premises were searched, and he was found to be what is called a “centre.” He, with others, was tried by the Commission which sat early this year, was convicted, and sentenced to fifteen years’ penal servitude. That shows how promptly we acted upon sufficient information. Again, late on the 11th of December, we received an intimation that a meeting of considerable importance was to be held in Dublin next evening. The police accordingly went to the place indicated on the evening of the 12th December, and surprised, sitting in council, a body of conspirators, no fewer than seventy in number, all of whom turned out to be local “centres,” who had come to Dublin to attend that meeting. Some of these persons were afterwards tried, and several of them convicted. Searches for arms were also continually going on, and arrests being made. On the 17th of December, a manufactory was dis-

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covered in the precincts of Dublin for making that liquid fire, intended to be used in case of an outbreak. A man who had been of some importance in the Fenian conspiracy in America, whose name was Meaney, was discovered in England. A warrant was issued for his arrest, and he was brought to Ireland, tried and convicted. The steamers between Belfast and Liverpool were carefully watched. Suspicious characters were constantly arrested. Many strangers, against whom suspicion was excited from their having come to Ireland with arms, were not allowed to land, and were sent back by the next steamer. By the end of December, as far as we could tell—and I believe that the information in our possession was accurate—the Fenian movement in Ireland was crushed. The local leaders were in custody. We knew that there were men engaged in the conspiracy in England, in France, and in America. But we had certain information that they were not in Ireland. Though it was clearly proved that it was the intention of the leaders of this movement to attempt a rising in Ireland in the month of December, the precautions taken by the Government were so successful that the leaders were placed in restraint, and the movement, as far as Ireland was concerned, was crushed for the time. Between the 1st and the 15th of December, no fewer than eighty-seven warrants were issued for the arrest of important persons connected with the conspiracy. It appeared to us therefore, at the beginning of January, that, as far as we could judge, all the efforts of the conspirators were frustrated. That being our conviction, I had no other course to pursue but to inform my Colleagues that, in my opinion, there was no further necessity for renewing the suspension of the Habeas Corpus Act. Sir, I could have taken no other course. I should have acted in a way wholly wrong and contrary to my duty if I had informed my Colleagues that it would be incumbent on them to propose the further suspension of the Habeas Corpus Act when I knew that, as far as Ireland was concerned, the Fenian leaders were almost all in custody, and the movement was showing every symptom of decay. But at that time a most important change took place in regard to this matter. It has been disclosed by Massey, one of the informers, that he and Stephens towards the end of the year had visited Washington for pur-

poses connected with the Fenian movement. Having made some arrangements there they returned to New York, where an important meeting of the leaders was about to be held. On the 18th of December, immediately on their return to New York, this meeting was held. Stephens opposed all warlike movement, and the military department of the organization was given into other hands. What was the effect of that? On the 22nd of December the military leaders began to leave America for France and England. They left in considerable numbers by every steamer up to the end of January, but many did not arrive in Ireland until the middle or end of February. The decision came to in New York wholly and entirely changed the state of affairs, for it was determined at all hazards to effect a rising in Ireland. It was quite impossible for any one in the United Kingdom, who was not in the confidence of these men, to know that any such thing was contemplated by the leaders in America. So secret, in fact, were their intentions kept that they were not known to any one until a considerable number had arrived in England. These men had but little connection with the persons who had been engaged in the movement at the end of the year. It is quite true that there had been that sort of communication between them which had been going on for a great number of years; but I do not believe any of the Fenian leaders in Ireland knew until the middle of January of the determination which had been come to in New York. As soon as the information reached us that this change had taken place in the aspect of the conspiracy, we acted at once. We were bound to state that the anticipations we had formed as to the probable state of the movement in the United Kingdom had unfortunately not been fulfilled. A new state of things had arisen, and it was necessary to resort to those measures of precaution which we had found so effectual before. I have always said, both in public and private, that any Government that should play or tamper with this dangerous conspiracy, or dally or parley with treason, would be guilty of a very grievous error. I believe that there could be nothing more wicked on the part of a Government than to allow a conspiracy to be carried on within the country and to permit it to come to a certain head for the purpose of putting it down by force. I believe that no Government in this

country would so act, and that any Government which should take such a course would justly merit the condemnation of this House, and of the country. What was the action of the Government? Every movement of the traitors was anticipated. Within twelve, or at the most within twenty-four hours of our receiving information that Massey was in the country he was arrested in a most singular way, and by a combination of most fortunate circumstances. Moriarty, who was to have headed the insurrection in Killarney, was arrested on his way to that town. M'Cafferty and Flood, both of whom have since been convicted, were arrested on board a collier at the entrance to the Liffey, in consequence of information received by a telegram from Whitehaven. Many who have since turned out to be most important persons in this matter were arrested by the constabulary in various parts of Ireland on mere suspicion. Indeed, I believe it is impossible for any hon. Gentleman, looking at the evidence given upon the trials, to say that in a single case we allowed a person to be at large for a moment whom we had reason to think was deeply engaged in the movement. Our policy has always been that prevention was better than cure, and that it was the duty of the Government to avert by every means in their power the unfortunate occurrences which afterwards took place. The effect of our action was that when this wretched attempt at insurrection broke out half the leaders were in custody, and the other half were in concealment. Many of them left the country immediately after Massey's arrest. It was clear to them that the Government were in possession of accurate and important information, and many who were as guilty as those who had been apprehended left Ireland within two or three days. Among those who came to Ireland for the purpose of leading the movement were some who were not Fenians or Americans at all. They were men who had been engaged all their lives in revolutionary movements on the Continent. They were men who had made war their trade, and who had spent their lives in connection with revolutionary movements of the Continent and in America. General Farriola only escaped arrest by leaving his lodgings in Cork six hours after the arrest of Massey. Another general, a Belgian, who was known to be in Ireland, a few days before the police went in

pursuit of him, was so terrified at the precautions and activity of the Government that he left the country without making the slightest attempt. I call the attention of the House particularly to the presence of these men, because it clearly shows that a connection does exist between this present movement and the revolutionary societies of the Continent. I believe that these men were connected with the revolution on the Continent, and came to take advantage of the state of things in Ireland to create a rebellion, which, if successful, could only end in the uprooting of society, the destruction of property, and the overthrow of religion. When these unfortunate occurrences took place we endeavoured by the greatest activity to prevent numbers of persons from assembling in any one place. The movement in Kerry took place one night after dark, when there were few troops in the neighbourhood. The next day Sir Alfred Horsford was at Killarney with a large force prepared for any emergency. There was no disposition shown by the Government to take any other course than to disperse at the earliest moment any assembly for purposes of insurrection. On the night of Shrove Tuesday 1,500 men—the very scum of the metropolis—marched to Tallaght, expecting to find large depôts of arms and skilled leaders to head them. Lord Strathnairn and the troops were at the same time marching on the same place, and they got to the rendezvous before many of the rioters. The same thing happened when the attack was made on the police barrack in the county of Cork. As soon as it was known that an attack was intended, a company was despatched from Mallow, and arrived very shortly after the rioters. The whole action of the Government, both with regard to the arrest of the leaders and active military movements, show that our whole object was to prevent bloodshed and hinder the conspiracy from coming to a head. If I had known that this question was about to be brought forward, I could have produced many more facts than I have done, not only to show the nature of the conspiracy, but the action of the Government every day since they have taken office. I think, however, I have said enough to show that this charge against us is wholly and entirely baseless. It is because the Government took a directly opposite course to that imputed to them that these measures have been so

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successful, and that this organization, which has been going on, I am sorry to say, for a great number of years, culminated on the 5th of March in an attempt at insurrection so miserable and so abortive. I do not think it my duty to enter on this occasion upon a general discussion on the state of Ireland. I deplore most deeply with my hon. Friend the state of feeling which exists with regard to this country among the Irish in America. That state of feeling is not just. It has arisen more from ignorance as to the real state of facts in Ireland than from anything else. I cannot be surprised that my ignorant countrymen in the Far West entertain feelings of hostility to this country when every newspaper teems with exaggeration, and when a large portion of their press informs them that a state of things exists in Ireland similar to that in Poland, and among the Christian subjects of the Turks, and that their brethren in Ireland, who are in reality citizens of the freest country in the world, are in the condition of slaves and serfs. I do not wonder that when these falsehoods are being continually poured into their ears, and when they never hear the other side of the question, they should entertain these feelings. Sir, it is to the men who, in disregard of truth, of history, and of the knowledge which they must possess, are making a trade of pouring poison into the minds of their countrymen, it is to them, and not to the Irish people, that the blame ought to be attached for the unfortunate results that have occurred. I feel great sorrow for this state of things; but I do not believe that the threats of war from America which the hon. Member (Mr. Maguire) has held out form the mode of argument which is likely to appeal to the sympathies and feelings of this House. I believe that the general feeling of the House of Commons and of the people of this country is to do justice to the people of Ireland. But I do not believe they will be urged to justice or to proper legislation, or to take greater interest in Ireland because of these threats, and because they are told that unless they do something not indicated there will be a rupture between the United States and Great Britain. I believe that there is sufficient knowledge among those in America who can judge for themselves to enable them to know that a great deal of what is spoken and the stories I have referred to are utterly and entirely false. I believe there is

sufficient good sense among the majority of the people of Ireland to convince them that nothing could be more prejudicial to her interests or to those of the Irish people in America than that we should be involved in a war with that country. I do not therefore attach much importance to the threat which has been hinted at to-night, although it may have been partially countenanced by a man possessed of the political knowledge of the hon. Member for Birmingham (Mr. Bright). I will not pursue this matter further. If the House thinks fit to intrust to the Government the powers for which we ask, we shall exercise them in the same manner as we have done for the last nine months, with care, with moderation, but still with firmness whenever occasion may arise. We do not seek that this weapon should be placed in our hands for any other object than the safety of the State, and to enable us to subject to restraint men whom we know to be conspiring against her welfare. I should be sorry to lead the House to suppose that, in my opinion, any advantage could be gained by unnecessarily continuing the suspension of the Constitution or by the unnecessary abridgment of those liberties which are the birthright of every British subject. I look upon it as a disgrace to my country that the necessity for such a measure should arise. Still, I must contend that the powers which this Bill will give us are indispensable to the safety of the State, and can be so exercised that the freedom of action of every loyal subject of Her Majesty in Ireland will not, in the slightest degree, be impaired thereby.

MR. OSBORNE: I am far from gaining saying the statement that the further suspension of the Habeas Corpus Act is a measure, not only necessary, but merciful to Ireland. I go further; I do not hesitate to say that if any hon. Member connected with that country tells you that that suspension will be required only for a limited period, he is unwittingly deceiving the House. My opinion, the result of some acquaintance with the state of Ireland, is that the Act will have to be suspended for some time. In expressing that fear, however, in acknowledging the difficulties which have arisen because of the ignorance and the carelessness of the Legislature, I must not be regarded as debarring myself from the consideration of those measures by means of which such a pro-

posal as that which we are discussing to-night may ultimately be rendered unnecessary. I do not for one moment accuse the noble Lord with having tampered in any way with the conspiracy we are now asked to suppress. I know too well his sagacity and the humanity of his disposition to give credit to any charge of the kind. There has been neither on his part, nor on that of the Marquess of Abercorn, any abuse of the power with which they have been intrusted. It has, on the contrary, been exercised with great judgment and humanity. I must, however, say that, in putting into the Queen's Speech on the 5th of February a paragraph congratulating this House on the fact that the state of Ireland was so pacific that the further suspension of the Habeas Corpus Act would not be necessary after the 26th of that month, the Government displayed great irresolution and great weakness. I thought at the time that they were in adopting that course throwing a sop to the Cerberus of popularity, and not taking a step approving itself to the judgment of those who had the best means of knowing the real position of affairs in that country. Nor can I admit that the noble Lord has this evening made out a good case for the course taken. At the moment the Speech from the Throne was being concocted, six men were arrested at Belfast, and General Farriola made his escape about that very time. More than that, we have by the evidence recently given in Dublin by the informers Crydon and Massey been let into the secret that early in November, through December and January, and up to the last hour before the assembling of Parliament, the Irish Executive were in possession of information which, if they had done their duty not only to Ireland but to this country, ought to have prevented them from publicly declaring that the suspension of the Habeas Corpus was no longer required for the preservation of the peace. Although therefore I acquit the noble Lord of all tampering with the conspiracy, I must say that he has furnished another proof of the justice of what was long ago asserted by the Earl of Derby in this House, when he stated that Ireland was in the position of having the weakest Executive in the world. I believe no person connected with Ireland thinks the Government acted right in the course they took on the occasion to which I am referring. I should like to know what use they made of the information

which they received from the lords-lieutenant of counties. The noble Earl at the head of the Ministry laid it down in "another place" as his policy on undertaking the government that the Government of Ireland should, for the future, consult, not the police, but the magistrates and country gentlemen. They, if I am not mistaken, were unanimous in the opinion that the paragraph relating to the Habeas Corpus Act ought not have been introduced into the Queen's Speech. As to the police, whom Lord Derby thought it right rather to ignore when he came into office, I would merely ask where, but for them, would Ireland be at this moment? There can be no doubt the Government, being fresh in office, and wishing, through their Attorney General, to conciliate the town of Galway, exposed the whole of Ireland to the danger of insurrection. I was afraid that the proposal for suspending the Habeas Corpus Act—so accustomed are we to such proposals—would be treated with some indifference. I, however, have been agreeably disappointed. The hon. and learned Gentleman (Mr. Roebuck) has taken good care that that should not be the case. My hon. and learned Friend—if he will still allow me to call him so—says that Irishmen always betray their friends. Let me ask him if he has never known Englishmen who have betrayed their friends or forsaken them in this House? [Mr. ROEBUCK: When they are wrong.] Wrong, yes. But I should also like to learn from him, when he comes forward in this way like a dove and perches with his olive branch on Ireland, whether he has always entertained the opinions of which he has this evening given us the benefit? He made a speech in 1829 in favour of emancipation. But, if I do not greatly err, I have heard him make speeches in this House since 1852 in a different strain. The phrase that Ireland was "occupied but not governed," was, I think, coined at his mint. Yet he now, forsooth, presents himself to us as the defender of the "mild Church." Roebuck on the Church! Sir, I never looked upon the Church as in danger until I listened to the eulogium which the hon. and learned Gentleman has thought fit to pronounce upon her. He has spoken, too, of what he calls "hardihood of contradiction;" but I should like to know whether there is not such a thing as hardihood of assertion? The light now beaming on him with regard

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to this question of the Irish Church seems to me, I confess, perfectly novel. It was at his feet I learnt the cry of "the Irish Church." From him it was that I received instruction in the matter. I have even sometimes quoted from his speeches with respect to it. Now he seems to have completely turned his back on the principles of his youth. The old actor who was once content to elicit applause from the gallery, averts his face from it, and plays to the pit of the Treasury Bench. Aware of his distinguished character and ability, they will, I am afraid, be too apt to think in Ireland that he really represents the views of the great constituency of Sheffield on this subject, and to confound the confirmed dyspepsia of the hon. and learned Gentleman with the general opinion of the House of Commons. I hope, however, that the friends of that country will not fall into so grave an error. They know a little of him there in connection with the Galway contract, and that little will, I have no doubt, enable them to set upon his speech to-night its true value. Passing from the hon. and learned Gentleman, I would remark that when men enter upon these discussions about the state of Ireland, we can always pretty well predict what will take place. The subject is always dealt with in the same spirit and with the same narrowness of view. One party lauds the Irish Church, the other assails it. As to the course of legislation for that country, we all know pretty well beforehand what it is to be, whatever set of politicians happens to be in power. We know that whatever be the position of the Irish Secretary, whatever may be his connection with party, whether he comes from this side of the House or whether he comes from that, we know exactly what policy he will pursue. It makes little difference in Ireland, except to the leading lawyers, what party holds the reins of office. Those leading lawyers will make flaming speeches in defence of the Church—as a late leading lawyer in this House was wont to do—while sitting on the Opposition Benches, and then they obtain promotion, and make excellent Judges. A new Chief Secretary is installed in office, and he finds in some pigeon-hole a policy on which his predecessor meant to act and which he follows out. There are three measures which each successive Chief Secretary—be it my right hon. Friend (Mr. Chichester Fortescue), or the noble Lord (Lord Naas)—

invariably introduces for the amelioration of the condition of Ireland. First of all there is the Bill to encourage the breeding of salmon in her rivers. A score of Bills on that subject have been brought in, and I am sorry to say that the only things which appear to be flourishing in Ireland are salmon. The next measure, usually proposed with a great flourish of trumpets, is one for the amendment of the law of landlord and tenant. There have been thirty-three Bills brought forward with that object, and the present, which is the thirty-fourth, will, I apprehend, share the fate of those by which it has been preceded. This is tickling the country. Then comes a peace preservation Bill. Of these there have been twenty-six. Finally, when a great experiment is to be tried, recourse is had to the suspension of the Habeas Corpus Act. Since 1801 the suspension of that Act has been moved ten times. We are told that we are so just to Ireland that she has nothing to complain of. Yet here we are in the year 1867—after sixty-seven years of similar legislation constantly recurring—about to proceed in the same course—at the invitation of the Government of the day, though it is said for a limited period. I do not believe that in the way we are going on any of these suspending Acts can be passed for a limited period only. Is it not patent to the world that in 1867, just the same as in 1844, when the hon. and learned Gentleman (Mr. Roebuck) told the House that Ireland was “occupied and not governed,” is it not, I say, patent that at the present moment Ireland is garrisoned but not governed, according to the true acceptation of the word? I am not one who says that you are willingly unjust to Ireland. I believe that you are well inclined—even the hon. and learned Gentleman—to do justice to Ireland. But I say that you are for the most part grossly ignorant, and some of you bigoted, in your legislation with respect to Ireland. If there were an Irish Legislature in College Green, its first act would be to undo one-half of your legislation. I was sorry to hear the hon. Member (Mr. Maguire) calling out for identity of institutions, for one of the most mischievous proceedings has been the forcing on Ireland that identity of institutions. [Mr. MAGUIRE: Identity of interests.] Still, there are people who say, “give to Ireland the same institutions as exists in England.” It is in vain to think of giving ease to a country where no identity of

feeling, of circumstances, and above all of religion exists, by calling for identity of institutions. It would be a vain chimera as a remedy for the evils of Ireland. The hon. and learned Gentleman (Mr. Roebuck) referred to the law of landlord and tenant. He says that the same law of landlord and tenant which prevails in Ireland prevails also in England and in Scotland. I am aware that great mistakes are made upon this subject in Ireland. But you have not tenants-at-will in England and in Scotland. [“Yes!”] I say while you have in Ireland a system of tenants-at-will—which does not prevail in Scotland or in England [“Oh!”]—no, not to the same extent—you must have discontent. Will hon. Gentlemen opposite deny that these tenants-at-will in Ireland are kept so merely for the sake of enabling the landlords to get their votes? [“Oh!”] There is a hardihood of contradiction involved in that “Oh!” which I do not think could be equalled by the hon. and learned Gentleman. I am not of those who put an exaggerated consequence on the question of the Established Church in Ireland, or say that you can entirely abolish it. But I think it unjust and disgraceful in English legislation not to endeavour to deal with the Church so as to make it more consonant and agreeable to the feelings of the Roman Catholics of Ireland. We are supposed to have made an enormous advance in our Irish legislation, because the hon. Baronet opposite (Sir Frederick Heygate), during the recent debate on the Irish Church, moved the “Previous Question.” But what do the Irish people know about the “Previous Question?” Ireland has—to use an Irish bull—been always made a “Previous Question” by having her legislation postponed for the purpose of enabling Parliament to pass English measures. How long is this state of things to go on? It is all very well for people to make clap-trap speeches in this House. [“Hear!”] The hon. Member for Wenlock cries “Hear,” as if I were making a clap-trap speech, but I have no Irish constituency to flatter, and have suffered by the Fenian movement by having to pay 5 per cent on mortgages instead of 4 per cent. Therefore I naturally feel rather sore with the noble Lord (Lord Naas) for the insertion in the Queen’s Speech of that ill-advised language which has in some measure tended to the development of that movement. I know many Members, too, who are in the same position with myself. The

matter now under consideration is, I say, no subject for clap-trap speeches. There can be no doubt that upon the first cannon being fired on the Continent of Europe or in America you will be obliged to retrace your steps, and to legislate in a larger and a broader spirit for Ireland. But you ought not to wait for that. You on the other side of the House (the Ministerial side) have made an enormous concession to the people of this country. Believe me when, as an Englishman and as knowing the Irish people, I say that you will be making an enormous mistake if you do not take up this Irish question in a larger, broader, and wider spirit than you have yet done. I believe that half of the House is disposed to take up the question in that sense, and all that is wanted is a leader. There is no question on which I should be more ready to throw aside all the trammels of party, and to support the man, sit on which side of the House he might, who would deal with this matter in the spirit I have mentioned. It is not until you find that man that you will be able to find an Irish Secretary who will feel that he has no longer any occasion to suspend the Habeas Corpus Act even for a limited period, because he has initiated a period of peace and contentment in Ireland.

MR. CHICHESTER FORTESCUE: I rise for the purpose of stating that I and those who sit with me on this Bench feel it to be our painful duty to support the Government in the demand they make that exceptional powers be continued to them. We believe that the possession of those exceptional powers, which I am bound to say the Government have not hitherto abused, is necessary for the preservation of the peace of Ireland and for the prevention of any repetition of insane and lamentable attempts for subverting the Queen's Government in that country. We think that the Government are right on this occasion in asking for the suspension of the Habeas Corpus Act, not for a very short period, but until after the commencement of the next Session of Parliament. Believing that the moderate exercise of these powers, under the control of public opinion and responsibility to Parliament, will constitute the safest, most lenient, and least mischievous means by which the conspirators can be foiled and repressed, I think that the Government are quite right in not putting it in the power of those conspirators to calculate on an early suspension of the powers, as it is well

known they did on a recent occasion. There is ample evidence showing that, in consequence of the announcement unfortunately made in the Queen's Speech, the conspirators calculated in the month of February on the cessation of these important powers. While I acquit my noble Friend (Lord Naas) and the Queen's Government of the slightest intention to dally with the conspiracy, and to allow it to ripen for the purpose—a purpose I have heard advocated in private by those who ought to have known better, but one which, with the humane spirit which has always actuated him, has been totally repudiated by my noble Friend—the purpose of striking a final and effective blow, I am bound to say that my noble Friend's statement to-night has not diminished, but has increased, my astonishment at the course pursued by the Government in announcing in the Queen's Speech that they felt no further necessity for arming themselves with exceptional powers. My noble Friend told us on a former occasion that when by great leniency, perhaps I might say thoughtlessness, the persons detained in prison had been reduced from 330 to something like 70, serious alarm had again arisen in the course of the months of December and January, and that, before the meeting of Parliament and the framing of the Queen's Speech, the Government had been obliged to issue more than 100 additional warrants. The noble Lord has gone more into detail this evening, and, confirming what we had learnt from the evidence of informers at the recent trials, said that many circumstances came to the knowledge of the Government immediately preceding the commencement of Parliament. I should have thought that that fact would have rendered it impossible for the Government to make the announcement which they did to the public and to the Fenians themselves in the Queen's Speech. That announcement was especially inconvenient, as it allowed misguided and mischievous men to calculate upon the termination of powers eminently adapted to keep them in order. My noble Friend took credit to the Government for its vigilance and success during last winter—and properly so; but he strangely does not appear to see that the Government were on the point of abandoning the very means and instrument of that success. Such a course was not calculated to allay anxiety in the minds of the people, or to increase their safety; nor was it merciful to those implicated. Above all, I object that the

Government should have acted upon the advice of the late Attorney General, who, with the circumstances connected with Fenianism in his possession, and with special information peculiar to his office, had addressed his constituents at Galway and assured them as responsible Adviser of the Crown that he had doubts whether the granting of exceptional powers by Parliament to the Lord Lieutenant as given by the Bill under discussion had ever been necessary, and that in his opinion it was safe, and more than safe, that those powers should be put an end to. But having said so much in support of this Bill, I must add a few words upon our policy towards Ireland. I think we shall be doing very wrong if we fix our eyes merely upon the Fenians, and do not consider the non-Fenian portion of the population; if we deal with the few and not with the many; with the supporters of insurrection and not with the great body of the Irish people. In spite of what has been said by the hon. and learned Gentleman (Mr. Roebuck), I feel that we shall cut a very poor figure in the eyes of the world, and shall be laying up in store future trouble of more serious quality than has ever come from Ireland yet, if we are content to take measures of repression only. When we have no longer the question of Reform to occupy our time our first duty will be to consider whether by any means within the power of Parliament we can dry up the sources of dissatisfaction in Ireland, efface from the minds of the Irish people the bitter and dangerous memories of the past, and by degrees reconcile them to the laws under which they live and to the Imperial Government of the country. When I set this before Parliament as its first duty, I do so in the full confidence that Parliament will come to a sound conclusion upon any question on which it determinedly sets to work. As to the conclusions of the hon. and learned Gentleman (Mr. Roebuck), I would say that if he means that these misguided Irish conspirators have had no justification for seeking to overturn the Government of the country by force of arms, and that there are no evils in Ireland which do not admit of cure by constitutional action, I entirely agree with him. But if he means that there is no institution in Ireland which does not rest upon a basis of public justice, if he means that Parliament has done its best for Ireland as far as legislation is concerned, and if he should be trusting in the mere assertion that the

laws are the same in England and Ireland, while perhaps the circumstances dealt with by those laws are totally different in the two countries, then I can hardly express the extent of my disagreement from him. I am therefore ready to join with those who say that while we adopt this measure of repression, we are bound to keep steadily before our eyes the duty of earnestly studying what practical measures should be adopted for the purpose of reconciling the people of Ireland to us and our Government.

MR. NEWDEGATE said, he regretted that the hon. Member (Mr. Bright) had used his eloquence for the purpose to which he had applied it that evening. The hon. Gentleman, after having proclaimed himself a Dissenter of Dissenters, asked for the abolition of the Irish Church. But he (Mr. Newdegate) believed that upon that subject the hon. Member was a Dissenter from the great mass of the Dissenters of England, and that day by day the Dissenters were becoming more and more convinced that it was not for the interest of the cause which they advocated that they should join in the cry raised against the Irish Church by the Roman Catholic hierarchy of Ireland. The House, or at least one section of the House, had constantly fallen into the mistake of accepting the dicta of that hierarchy for the expression of the feeling of the people of Ireland. But there was another point—referred to by the hon. Member (Mr. Maguire)—in which he (Mr. Newdegate) felt the deepest interest. The hon. Gentleman spoke of the emigration from Ireland. He described it as a hæmorrhage. He lamented, as he (Mr. Newdegate) and as every Englishman worthy of the name lamented, that the Irish people should be driven from their homes. But what was the period at which that emigration commenced? He found on reference to the Library, and if necessary he would move for Returns to prove it, that it commenced in the year 1847, the year succeeding the repeal of the Corn Laws, after the Imperial Parliament had repealed the penal laws, and had passed a variety of other measures in deference to the wishes of the mass of the Irish people. The power of the Roman Catholic hierarchy had become the great element in Irish political agitation. What did Mr. Scully—once a Member and an ornament of that House—tell them upon that point? He stated that the political action of the episcopal party in Ireland was so tyrannical, that it had driven

him from the House. The fact was that Ireland was torn by a struggle between the Ultramontanist principle and the principle of resistance which had become necessary on the part of the Irish proprietors, because the Roman Catholic hierarchy were directly attacking the rights of property under the guise of urging an extreme and impossible measure. The Gentleman to whom he referred had been excluded from the House by the direct action of the Roman Catholic episcopal body, and he considered his absence was a loss. How, then, could the assertions of the hon. Member (Mr. Maguire) and his friends be reconciled with these facts? He rejoiced that they had in the hon. and learned Gentleman (Mr. Roebuck) a man who, after investigating the question, was not ashamed to avow that he had changed his opinions, and he hoped the hon. and learned Gentleman would long continue to be an ornament to the House. He wished to refer to some expressions that had been used by the hon. Member (Mr. Bright) with respect to the United States. The hon. Gentleman admitted that the Government of that country had acted a most friendly part towards this country in preventing the Fenian agitation in the United States culminating in an attack upon Canada, and that the American Government had been influenced by a spirit of honest co-operation with the British Government with respect to that unfortunate conspiracy. But while admitting this the hon. Member had remarked that statesmen in England had had to bend in base humiliation before agitation, and that an agitation might arise in the United States which might make the United States Government bend also, and which might produce a collision between this country and the United States. He (Mr. Newdegate) had imagined that the hon. Member respected the American Government because it was the exponent of the will of the people, and because its basis and principle were democratic. And yet the hon. Gentleman spoke as though he would make the House believe he was speaking on the part of the English Dissenters, and proclaimed that the Protestant Church in Ireland should be dis-established, in order to establish the Roman Catholic Church. ["No!" Hon. Gentlemen might cry "No!" but he could prove from the Roman Catholic papers that the dis-establishment of the Protestant Church, and the consequent establishment of the Roman Catholic

Church, were advocated and strenuously supported with the view of getting Roman Catholic Bishops into the House of Lords. If that did not mean establishing the Roman Catholic Church, what did it mean? The hon. Member, misrepresenting the Dissenters of this country, had not scrupled to declare that unless the demand for the dis-establishment of the Protestant Church were granted he expected an agitation would arise, both in this country and the United States, which would quickly change the friendly disposition of the American Government towards England. He (Mr. Newdegate) could not sit in the House without expressing the indignation he felt when he heard an hon. Gentleman encouraging the hope of agitation for the purpose of establishing the Roman Catholic hierarchy, and threatening, in the event of the Protestant Church not being dis-established by Parliament, a probable collision between England and the United States. He trusted such mischievous and dangerous opinions were limited to the hon. Member and a very narrow section of extreme persons in the United Kingdom. It was impossible for him to express the language that almost rose to his lips when he listened to such dangerous and mischievous sentiments.

SIR PATRICK O'BRIEN said, he agreed with the hon. Member (Mr. Osborne) that the disaffection and feeling against British rule in Ireland were greater than had been represented within the House. The hon. Member (Mr. Newdegate) was apparently of opinion that the Irish Members were actuated by sectarian motives, and were attempting to attain some ecclesiastical aggrandisement. He (Sir Patrick O'Brien) emphatically disclaimed any such intention. Nothing was further from his thoughts than to meddle with the revenues of the Irish Church, or say anything in the least derogatory of his Protestant fellow-countrymen or Protestant clergymen, whom he respected for their learning, attainments, and character. The evil of Ireland for centuries had been of a sectarian character, arising from religious distinctions being kept up, which led one part of the community to indulge in feelings and practices of ascendancy over another, and prevented men from feeling themselves citizens of a common country. All that he sought was, if possible, to do away with those religious distinctions and differences which formed the real bane of Ireland and were the root of the evils from which she was suffering.

Mr. Newdegate

That was the only sense in which he opposed the Irish Church Establishment, and not because he objected to its discipline or ministers. The hon. and learned Gentleman (Mr. Roebuck) had, with something more than dogmatism, spoken of the Irish Members as agitators, who were united merely for personal objects. The hon. and learned Gentleman, while denouncing others so freely, ought to have remembered that there was such a country as Canada. It was still borne in mind who was the advocate of the rebels there in 1837. He ought to have remembered that the very legislation which had allayed discontent in that colony was all that was now advocated by Gentlemen who knew as much of Ireland, and were quite as honest as the hon. and learned Gentleman himself. If the hon. and learned Gentleman looked now to Canada, he would see the causes of popular tumult removed. There was now religious equality, an educational system which met with universal approval, and a land system which secured to the cultivator a fair return for his capital and labour. All this should have been remembered by the hon. and learned Gentleman before he used the cold steel from Sheffield. He (Sir Patrick O'Brien) would not oppose the second reading of the Bill, and he believed that the powers which it would confer upon the Government would be humanely exercised. He trusted something would soon be done to remove the just grievances of the Irish people.

MR. STOCK said, that the necessity for such measures as this must be regarded as a scandal. The discontent which sometimes broke out into open rebellion might be accounted for by the policy we had pursued towards Ireland. He observed with pain the apathy which existed on the part of English Members when Irish questions were under consideration in the House. The unfortunate condition of affairs in Ireland was not the fault of the people themselves, but was the fault of the legislation to which they were subjected. Proper remedies were at hand, and only needed to be applied in order to render coercive measures, such as the one now proposed, quite unnecessary. He denied that the Irish people were idle, turbulent, and lawless. The Irish people, if they were only blessed with good government, were as amenable to the principles of law and order as any other of Her Majesty's subjects. On the part of the Roman Catholic population of Ireland,

there was a spirit of religious toleration which did not exist either in England or in Scotland. Taking the year 1861, the year of the last census, he found that in Scotland the convictions for criminal offences were in the proportion of 1 in 1,266 of the population. In England they were in that of 1 in 1,446. In Ireland they were only as 1 for 1,773 of the population. Then analysing these figures he found that the convictions for offences against property in the same year were in England 1 in 1,612. In Scotland 1 in 1,630. In Ireland only 1 in 2,623 of the population. As to religious toleration, it was a fact that in all Protestant Scotland not a single Roman Catholic was returned to Parliament. In England, out of the 500 Members there were only two Roman Catholics. In Ireland, out of 105 Members no fewer than seventy-six were Protestants, of whom thirty-eight were returned by purely Roman Catholic constituencies. Those Protestant Gentlemen were returned on the principles of civil and religious liberty. In Ireland the religion of the candidate was no bar to him in the eyes of the Roman Catholic clergy and laity. But what chance would an Irish Roman Catholic have if he came forward as a candidate to represent an English constituency? The House were aware of the difficulties which an English Roman Catholic had had to contend with in the Isle of Wight. He thought that such circumstances ought to induce the House to pass remedial measures for the benefit of the Irish people. If they lived under a system which afforded them the means of obtaining their living in their own country, the Irish would be as good and loyal subjects as could be desired. He trusted that the two great evils of Ireland, the land and the Church questions, would be removed during the present Session.

MR. WHALLEY said, he wished to offer a suggestion to the noble Lord (Lord Naas) as to the means of practically disposing of this question. A Committee of the House had been appointed to inquire into the operation of the Ecclesiastical Titles Act, and it had been stated in the newspapers that Dr. Manning and Dr. Cullen were to be examined as witnesses. The suggestion he wished to make to the noble Lord was that—

MR. BRADY said, he rose to order. The subject of that Committee was not before the House.

Mr. WHALLEY said, he would call attention to a letter sent to a London morning paper by the Rev. Dr. Magee, who stated the real cause of Fenianism, and suggested a practical remedy for the evil. It would be as well if that gentleman were examined before the Committee. He (Mr. Whalley) had watched the progress of this insurrection with great anxiety, and had on several occasions expressed in the House his conviction that it was entirely the result of the teaching of the doctrines and discipline of the Roman Catholic hierarchy. Therefore to clear up the matter he would suggest that Dr. Magee should be examined before the Committee on the Ecclesiastical Titles Bill as to the origin and nature of the Fenian conspiracy. He asked the noble Lord to consider the position in which the Government stood, and also to clear up the question referred to by Dr. Magee, as to the nature and origin of this conspiracy. As to the speech of the hon. Member (Mr. Bright), he charged that hon. Gentleman with vilifying and traducing the character of his countrymen by his assertion that the conduct of the Reformation and the introduction of the present system had been attended with cruelty until then unheard of. There was no shadow of a pretence to justify so foul a slander. It was enough to see frittered away, under ridiculous and false pretences, the Protestant Constitution of the country, without seeing the character of Englishmen blasted and held up to foreign countries and to America as deserving the visitation of this rebellion. No language could be too strong to reprobate such expressions on the part of the hon. Member. Why did not that hon. Member tell them what remedies he proposed to put an end to this conspiracy? What remedial measures would the hon. Member suggest to settle the land question? The letter to which he had referred quoted statements made by Dr. Moriarty, a Roman Catholic prelate, that "this is not the time," and that "this rebellion must be held in leash." More than once he had been called to order when referring to this subject, but he had been so treated, he believed, under a misapprehension. He had never intended at any time to say that Dr. Manning or Dr. Moriarty had been in immediate connection with Stephens or any of the Fenian ringleaders. All that he had intended to state was that the doctrines

which Dr. Manning or Dr. Moriarty taught from Sunday to Sunday were in the greatest possible degree antagonistic to the rule of this country, and that nothing would satisfy the Roman Catholic hierarchy in the three kingdoms but such absolute supremacy as the Roman Catholic Church enjoyed in Spain. The primary doctrine of that Church was that all persons opposed to its doctrines should be persecuted and destroyed. A sufficient reason for Irish emigration might be found in the fact that these unfortunate people had let loose upon them the blood-hounds of their religion, by whom they were terrified and worried. They were but too glad to escape from a country where the Government permitted such tyranny to be exercised upon them with impunity. It was not for the Protestant population that he contended against these Roman Catholic teachings and doctrines, but for the Roman Catholics themselves.

Mr. SYNAN: The hon. Member for Peterborough has addressed the House with his usual brevity, perspicuity and wisdom, and offered to Her Majesty's Government the valuable suggestions which I am sure they will receive in the manner they deserve. I regret the hon. Member for Warwickshire (Mr. Newdegate) is not in his place to accept the compliment of the hon. Member for Peterborough (Mr. Whalley), as from what he has previously expressed in the House there is no doubt he would attach to them that value which he seems to put upon them at all times. Indeed, I may say to both hon. Members *arcades ambo*, and as they are united in this House and country in support of the great cause of Protestantism, I only hope that that cause may never want their advocacy, and that the Catholic cause may never be deprived of their hostility. The hon. Member for Peterborough has told us that he is the only person who understands the secret of Fenianism, and he offers his secret to Her Majesty's Government. I hope Her Majesty's Government will put the price on the secret which it is worth. Indeed, it is fortunate that in the state of mystery and ignorance in which we are all placed there is one person to whom such a clear perception of our position has been vouchsafed, and who can enlighten not only the House but Her Majesty's Government by the disclosure of a secret of invaluable price, which is to unlock the chamber of Fenianism. But I beg to tell the hon. Member that he is not the only

Mr. Brady

person who has been able to give us the secret of Fenianism; a greater authority in this House, the Leader of the House, the right hon. Gentleman the Chancellor of the Exchequer, has anticipated the hon. Member. He informed us that the secret of Fenianism can be accounted for only upon the epileptic principle. The Government do not therefore want the secret of the hon. Member. It is humiliating and painful for an Irish Member, no matter at what side of the House he sits, to address the House on this subject; either to be a party to or a spectator of the suspension of the constitution of this country; and I hope this may be the last time he may be placed in that position. I cannot concur in the censure expressed against the noble Lord or Her Majesty's Government for the paragraph in the Queen's Speech last February. If the noble Lord had reason to believe at the time that this Act ought not to be renewed, he had a right to give that advice to Her Majesty's Government. I only wish he could give the same advice at the present moment. Blame had been expressed by the hon. and learned Member for Sheffield (Mr. Roebuck) for mixing up the question of the grievances of Ireland with the present discussion. The reason is obvious; they cannot be separated, for as long as they exist the present state of things in Ireland will continue, and the suspension of the Act and constitution will become perpetual. It is therefore absolutely imperative that we should call the attention of the House to the condition of Ireland. At this hour, I may say the tranquil hour of the evening, when the majority of the Members have retired to more agreeable duties, I will not go into the question of Irish grievances so fully discussed by the Members who have preceded me. The hon. and learned Member for Sheffield says there are no grievances; but he is contradicted by Her Majesty's Government, who have brought in a Bill to remedy one of them. To be sure that Bill—the Land Bill—has been put aside, and is likely soon to receive the fate of previous Irish measures, by a Massacre of the Innocents. This is not the place to discuss that measure; I have done so on a former occasion: but the Bill is an admission that the state of the law in Ireland requires a remedy, and the refusal of a proper remedy is only calculated to increase discontent in Ireland. To be sure it has been said that Fenianism is not connected with the land

question, and that assertion has come from the Treasury Bench. Their Friends behind them call their Bill confiscation, and they themselves say that the land question is not connected with Fenianism—for both cannot be true, and I pronounce both to be false. I therefore ask the House to deal with the land question, thereby remove one cause of Fenianism, and render such unconstitutional legislation as this unnecessary. Again, it is said that the Church question is not connected with Fenianism, and therefore that it is no grievance. Unless you maintain that the actual Fenian conspirators comprise the whole Irish Catholic and Liberal Protestant people of Ireland, I do not see the force of that argument. You deny to the constitutional party in Ireland the remedy of this grievance, on the ground that it is not wished for by the revolutionists. That appears to me to be the argument of folly and insanity, and calculated to make the constitutional party become revolutionary, in order to have their grievances attended to and redressed. In my opinion the most sensible way to put an end to Fenianism is to redress the wrongs and injustice of which the Irish constitutional party complain. I feel that English Members in this House do not like discussions of this kind. [*Cheers.*] I understand that cheer. Well, then, how do you propose to deal with Ireland? Are her grievances to be discussed and remedied by the Parliament or not? I would request of hon. Members to consider the position of Irish Members in this House. We bring forward the well-grounded complaints of the Irish people, and we ask for redress. If you refuse to entertain our complaints you practically annul the Union. Sixty-seven years ago the promises held out to the Irish nation for a Union were—that they should become partakers in the wealth, the prosperity, the glory of the Empire. English capital was to be introduced into Ireland—her manufactures were to be established—her trade and commerce extended—her taxation reduced and her population increased. How have these promises been realized? There are no manufactures—no trade—no commerce—taxation has been increased £3,000,000 a year, the population is less than it was in 1800, and the people are emigrating from a country in which they can get no employment. We complain, and ask for remedial legislation; you only answer by suspending the consti-

tution, and you are impatient of our complaint. In my opinion the persons who resist the demands of the Irish people are the greatest enemies of the Union, the most mischievous agitators, and the most dangerous advocates of the repeal of that Union. Of course, you are likely to remain deaf to the remonstrances of the Irish Members and the demands of the Irish people. Nevertheless, we must continue to do our duty. And in the discharge of that duty I now tell the House and the Government that they may bury the "Enceladus" of Irish grievances, of Irish discontent, of Irish insurrection, beneath the pile of their coercion and suspension Acts, which from 1800 to the present moment would overtop Etna; but they will not thereby extinguish the volcano. As long as the fuel exists—as long as the grievances are suffered to remain—so long will the volcano burst forth anew, and threaten the Empire with dismay, confusion, and perhaps ruin. If you are wise, therefore, you will apply that remedy in time, which you may wish to do when it will be too late. I have only one word to say to the noble Lord. I cannot complain of the mode in which in some cases the Act has been executed. But whether the Government is to blame or not, there are cases in which it ought to be executed more leniently. A clause to that effect was introduced into the last Act, and of course it will be continued in the present if it receives a second reading. I appeal to the noble Lord to carry out the Act in a spirit of mercy, of leniency, and of clemency.

MR. BRADY said, that he was satisfied with the manner in which the Government had carried out the Act suspending the Habeas Corpus Act in Ireland. The discontent in that country arose from the law relating to the tenure of land. He could not agree with the hon. and learned Gentleman (Mr. Roebuck) that the law of England in regard to landlord and tenant should be applied to Ireland, because the circumstances of the two countries were totally different. Without exception the farmers in Ireland were tenants-at-will. ["No!"] They were tenants from year to year, liable to be turned out of their farms at six months' notice. Such a state of things did not exist in England. The usages of the country came in to protect the tenant in England. ["No!"] When a tenant in England gave up possession of his farm a valuation was made of the unexhausted labour.

Mr. Synan

He received compensation for that, for seed in the ground, and for straw and manure left on the farm. That was not the case in Ireland. At the end of the year the landlord in Ireland could turn his tenants out of possession without giving them any compensation for the large sums of money they might have expended in the improvement of the property. He hoped that the Government would see the propriety of introducing some remedy for the evils under which Ireland had suffered for upwards of sixty-seven years without one measure—except the inadequate one of 1829—being passed for the relief of the great masses of the people.

SIR GEORGE BOWYER said, that having twice opposed the introduction of Bills similar to that now before the House, he wished to explain the reasons that induced him to adopt a contrary course upon the present occasion. He admitted, with pain and regret, that the ground on which he had stood on previous occasions had been cut from under his feet. He did not look upon Fenianism as a disease, but as a symptom produced by mis-government during many centuries. Ireland had been treated as a conquered country by the Norman Kings of England, by Elizabeth, by James I., and cruelly oppressed by the tyrant Cromwell. The rule of Protestant ascendancy had aggravated the evils of Ireland. He had no wish to see either Protestant ascendancy or Roman Catholic ascendancy in Ireland. Ireland, unfortunately, seemed to be a stalking-horse for clap-trap party speeches in that House. The party out of office always abused the policy of the party in office. When the party in office introduced a Bill, the party out of office opposed it in a party manner, and did all they could to obstruct it, because they wanted the credit of carrying it themselves. Persons acquainted with the subject of Irish land tenure, assured him that there was much that was good in the Bills of the Government, and that, if they were discussed in an impartial spirit, they might be made beneficial to the country. But he had heard nothing but party speeches upon them. He desired to see the House dealing with the question without reference to party politics. No country in Europe had greater grievances than Ireland—[An hon. MEMBER: Spain]—except Italy and Poland. ["Oh!"] He wished to see hon. Members dealing with Ireland in a practical manner, free from

party spirit, and, instead of declaiming about its condition, pointing out remedies for what was wrong. They had heard many eloquent and violent speeches about the wrongs of Ireland. He wished the speakers had propounded remedies for them. The present condition of the Established Church in Ireland was a grievance it was most difficult to deal with. He should be sorry to see it dealt with in a manner unjust to his Protestant fellow-countrymen. Ireland would not be benefited by the assimilation of its land laws to those of England, because the circumstances of the two countries were different. Landlords in England dealt with their tenants and land on principles different from those adopted by Irish landlords, which, as an English landlord, he had never been able to understand. The objection to the legislation asked for Ireland, that it was exceptional, was answered by the fact that the circumstances of the country were exceptional. He wished—he was afraid he could not say hoped—to see Irish grievances, instead of being made matters of declamation, treated as matters of business. He wished to see hon. Members, instead of dwelling upon, and perhaps exaggerating the evils which afflicted the country, and so promoting discontent, applying themselves to the discovery of remedies, and discussing measures of Government, by either side, free from party considerations. A good deal of the opposition to the Land Bills of the noble Lord, in that House and out of doors in England, had reference to the Reform Bill, to the contests of parties, and to the absorbing question whether the Leaders of one party or those of the other should occupy the Treasury Bench.

MR. CONOLLY said, he thought that many of the questions raised in that discussion had nothing to do with the subject before the House. He believed that if all the so-called grievances of Ireland were abolished that country would not be a whit more prosperous than she was at present. If the Established Church in Ireland were abolished, and if tenant-right were granted to its fullest extent, as advocated by the late Mr. Sharman Crawford, no one could suppose that by the operation of these two measures the condition of the masses of the people of Ireland would be sensibly ameliorated, or that the immense amount of pauperism and misery that existed in the country would be lessened. The abolition of the Established

Church in Ireland would revive dormant animosities, increase the misery of Ireland, and the passing of a measure on the land question embodying the principles advocated by the late Mr. Crawford would tend to insecurity and be productive of the worst possible consequences to the country. If once they allowed the tenant to exercise proprietary rights the labouring classes would begin to put in their claims against the tenants—a state of things which would end in the complete disruption of all the social ties in Ireland. The reasons which led to the late insurrection were matters of history and of contention between the English and Irish races from time immemorial. With reference to the suspension of the Habeas Corpus Act, he must do the noble Lord at the head of the Government in Ireland (the Marquess of Abercorn) the justice of admitting the great ability and discretion which he had displayed in the dangerous and difficult circumstances in which the country had been placed. If he had committed a slight mistake in expressing a hope that the Fenian conspiracy had been put an end to sooner than there were grounds for believing that it had been, it was to be attributed to the noble Lord's own moderation and amiability of character. He must protest against the menacing language of the hon. Member (Mr. Maguire.) From the intimacy he had with the leading men at the other side of the water, he felt himself entitled to say that nothing was farther from the genius of the American people than the course of conduct which the hon. Member had described. The influence of the Fenian element in the United States was greatly overrated when it was thought likely to succeed in producing a formidable antagonism to this country. The people of Ireland were intelligent enough to see the folly of the late attempt, and the groundlessness of any hope of a successful rising against the power and authority of England. This being so he trusted they would turn their minds to questions involving the practical improvement of the land, and to other matters upon which the prosperity of the country depended. He believed that by so doing they would be facilitating the solution of the Irish question far more than by listening to the suggestions of false friends.

MR. PIM said, he could not conceal from himself that dissatisfaction existed in Ireland—a dissatisfaction alike discredited.

able to that country and to the nation at large. There was also too much truth in the remarks made by the hon. Member (Mr. Maguire) of the danger, in case of war, to England, whatever the ultimate result might be. There were circumstances of gravity which rendered the Irish question an Imperial one. He thought it of great importance that the land question should not be long left unsettled. If we were to have a really United Kingdom it was indispensable that Irish questions should be settled. The present Parliament would gain great renown if it were the means of effecting such a settlement. He trusted, therefore, that as soon as the great question of Reform was settled the House would give its earnest and practical attention to the Irish question, which was fully as important to Ireland as the Reform Bill was to England.

Motion agreed to.

Bill read a second time.

LORD JOHN MANNERS said, that on behalf of his noble Friend (Lord Naas) he would fix the Committee for to-morrow (Friday); and under the peculiar circumstances of the case, his noble Friend hoped that the House would then also pass the third reading.

Bill committed for To-morrow.

PARLIAMENTARY REFORM—
REPRESENTATION OF THE PEOPLE
BILL—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 20.]

Bill considered in Committee.

(*In the Committee.*)

Clause 4 (Occupation Franchise for Voters in Counties).

MR. HUSSEY VIVIAN said, that he moved after the word "same," in the hon. Member (Mr. Colville's) Amendment, to insert the following words:—

"Or who shall be entitled, either as lessee or assignee, to any lands or tenements of freeholds, or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives or not), of the clear yearly value of not less than £5 over and above all rents and charges payable out of or in respect of the same."

He could hardly think that, after the decision come to in reference to copyholders,

Mr. Pim

the same reduction of the franchise would not be made in the case of the leaseholders. These men included some of the very best of the working classes—those who had by honest industry accumulated sufficient money to acquire a stake in the country. If the Committee desired to enfranchise such persons they could not do so in a better manner than by adopting this proposal. For the most part these men had saved the money which enabled them to take long leases and build cottages, and he thought they would constitute a much more valuable class of voters than the possessors of £50 in a savings bank or in Consols. The holders of such leases could not have spent less than £200 on building one or two cottages. He had so little doubt that this proposal would be accepted by the Chancellor of the Exchequer that he would not trouble the Committee further than to move his Amendment.

MR. GOLDNEY said, he thought it would be very unwise to disturb the arrangement come to by the Reform Act of 1832 upon this point. The proposal of the hon. Gentleman with respect to leaseholders differed much from the reduction made in the case of copyholders, because under the Enfranchisement Acts copyholds could be turned into freeholds. It seemed to be the object of some hon. Members to tinker all the old franchises. At the time of the Reform Act the right of voting in counties was limited to the 40s. freeholder, and it was then considered a great grievance that parties holding long leases, which were almost equal to freeholds, should be shut out altogether from the exercise of the franchise. Previous to the Reform Act any person holding a 40s. freehold was entitled to vote; but the Act limited that right to a person who had an estate of 40s. value in inheritance, and fixed the qualification for those who had a life interest in the freehold at £10 annual value. One objection to this proposal was that, in the neighbourhood of London and other large towns, it might lead to the undue multiplication of votes. A ground-landlord might lease the land, the lessor might assign his interest, and in that way, if only £5 clear annual value were reserved in each case, four or five and sometimes six votes might be created in respect of one and the same tenement. Again, under settlements a term of ninety-nine years was generally vested in trustees for the purpose of raising money. If this

amount were adopted, it would be competent for the trustees on the eve of an election to grant a number of leases determinable upon the oldest life they could find, and then to put upon the register any number of votes they liked, provided only that the original lease was sixty years. Instead, therefore, of giving the franchise to the *élite* of the people by this Amendment, they would establish a power for the creation of fictitious votes. Again, there was nothing which had caused so much trouble to revising barristers under the Reform Act as this question of leasehold interest. Various points with respect to it had been raised and battled over in the Registration Courts. They had been settled only within the last few years, and if the Amendment were accepted by the Committee they would all be re-opened anew, as no occupation was required, nor residence, nor any interest whatever beyond such a lease as that to which he had referred.

MR. BRIGHT: I suppose, Sir, that on a question like the present the Committee will be able to decide more wisely by knowing how it will affect a particular district of the country. I heard the observations of the hon. Gentleman who introduced this Amendment, and I can speak in confirmation of what he said. In South Lancashire, and in that district of it particularly where I live—Rochdale—it is a matter of every-day occurrence that land is let for building upon a lease for 999 years, which, for all practical purposes, must, I think, be considered to be as good as a freehold. The person who takes that land, who is liable for the rent, and who lays his money out upon it, is, in all points Parliament can require for a constituent elector, just as good as if the freehold were vested in him. That, I think, no Member of the House will deny. In my neighbourhood a very large proportion of the cottages which are built are built out of the savings—I will not say of the most industrious, for all our people are industrious—but of the most saving portion of the workmen. I live about three-quarters of a mile from the centre of the town of Rochdale, and on both sides of the road leading from my house to the town there are cottages, and these have nearly all been built by persons with whom I am well acquainted, and not a few of whom are employed in the business with which I am connected. Overlookers, engineers, head mechanics, clever weavers and spin-

ners, and so forth, have saved money and built cottages. They have invested their money in that way upon leases of 999 years. I venture to say, without fear of contradiction, that it is not possible to discover throughout the whole population a class of persons to whom it would be more becoming in the House of Commons to give a vote than to men who, out of their own continuous industry and prudent savings, have been able to secure for themselves an income from property invested in this way. As far as that goes, I do not think anybody will deny that the position I am endeavouring to establish is one which the House may fairly accept. The hon. Gentleman who has just sat down endeavours to draw a distinction between what the House did the other night on the question of copyhold and what it is now asked to do. I do not know how the hon. Gentleman voted on that question. [Mr. GOLDNEY: I did not vote all.] Oh, the hon. Member did not vote all. But a great number of those to whom he addressed his observations, and I rather think the Chancellor of the Exchequer and his Friends generally, voted against us on that question. However, the House having passed that Resolution, the hon. Gentleman feels that the Committee did on that occasion what was very wise, and I think on the whole he accepts it as a judicious decision. But he wishes to draw a distinction between what was done then and what the Committee are asked to do now. What is the distinction in the Reform Act? Parliament determined that the two cases were exactly alike; that the copyholder of £10 should have a vote, and that the leaseholder, over sixty years, of £10, also should have a vote. If Parliament was right in 1832, it seems to me that the Committee, having agreed to reduce the sum in the case of the copyholder, would be doing wisely, and in accordance with the view of the Parliament of 1832, in reducing also the value as regards the leaseholder of sixty years and upwards. The hon. Gentleman started a sort of spectre, which, like other spectres, has nothing substantial in it, and he said that there would be a great many votes upon the same property. But I undertake to say that there is no more reason to suppose that anything wrong would arise if the sum were reduced to £5 than has arisen with the sum at £10. The one figure is just as convenient as the other for any person who wishes to do

anything which Parliament does not intend should be done under the present or future law. The hon. Gentleman said that the trustees could make faggot votes. They can make them now. Yet I will undertake to say that there has been no general and even no local complaint of the fabrication of fictitious votes under the clause as it now exists in the Reform Act. Therefore I think it is unfair to raise an argument which is not a substantial and just one, and say there will be attempts at fraud under the £5 which have not prevailed at all under the £10. Then he said another thing which, I think, tells very much against him. He said that there were great difficulties before the revising barristers' courts with regard to persons who should have votes under this clause. But he added—what was quite fair for him to add, because it is true—that all these points have long ago been settled by decisions perfectly well recognised amongst revising barristers. The difficulties as to the interpretation clause in 1832 have been long ago got rid of, and having been got rid of, it is quite clear that these difficulties could not meet with resurrection if you reduce the value from £10 to £5. I submit to the Committee, to the Chancellor of the Exchequer, and to hon. Gentlemen opposite, that I have given a fair answer to the observations of the honourable Gentlemen. I base my argument upon this mainly. You are reducing the occupation franchise from £50 to something which the Committee has not yet determined. It may be somewhere between £10 and £20. You are doing that with your eyes open. You know what you are about. You are extending the franchise in counties to occupiers who have no permanent interest in the soil or that which they occupy. You have reduced the value of copyholders from £10 to £5. You are reducing the franchise in boroughs from £10 occupancy to, it may be, £2 or £3 occupancy. We ask you to agree to this Amendment in the interest of persons whose very position is the proof—the clear and undoubted proof, of their fair claim to the franchise. As I have stated, in South Lancashire, and I have no doubt it is the same in Yorkshire and many other counties, these leaseholds are held, to a large extent, by persons who have thus invested the savings which they have accumulated by the most meritorious industry and equally meritorious prudence. Unless you say that you will completely

Mr. Bright

shut out good men, even where you can find them, you cannot object to the Amendment. If these arguments are not sufficient for the Committee, I cannot hope to offer any that will be. With the general disposition to be generous and liberal on this matter, I submit to the Committee and to the right hon. Gentleman the Chancellor of the Exchequer that this is a case in which, acting in accordance with the spirit of the Reform Act, he may very wisely make the reduction now proposed. I hope, therefore, the Government will consent to this Amendment; but if they do not, I shall have great pleasure in dividing in its favour.

MR. KENDALL said, it was right the Committee should know what they were called upon to do. Had it not been that the hon. Gentleman (Mr. Bright) had appealed to hon. Members to speak for their own localities he should not have addressed the Committee. Amongst the miners in the West of England, it was a very common practice for a man who had saved £40 or £50 to borrow on mortgage £100 from an attorney, with which to build one or two cottages. Since no man talked more about the pressure that was put upon the voter than the hon. Member, he should like to know from whence the pressure was likely to come? When an election came, who would have the power, the lender or the borrower? He wished to show the hon. Gentleman from what quarter oppression might come.

MR. KARSLAKE said, that the fact of the existence of these long leaseholds, referred to by the hon. Gentleman (Mr. Bright), was a strong reason why the Committee should reject the Amendment. Every one connected with the law knew that a 999 years' tenure was the most inconvenient tenure in the kingdom, because the reversion, which was nominally worthless, had the effect of deteriorating the property when it had to be sold. In duration it was for all practical purposes equivalent to a freehold, but its effect was to materially deteriorate the value of the property. If industrious men could not lay out their money in any other holding, then he could understand why this tenure should be supported and encouraged. But industrious persons could invest their savings in other ways, and the plan of a rent-charge in chief upon the property was more commonly resorted to. [MR. BRIGHT: They cannot in every district.] Anything which tended to increase these long hold-

ings ought to be avoided, and he asked the Committee to extinguish them as much as they possibly could.

MR. AYRTON said, the observation of the hon. and learned Gentleman who had just sat down had nothing to do with the question before the Committee. This particular tenure was in existence to a large extent in the country, and the question was how were they to deal with it with reference to the franchise. Many persons preferred this tenure to a freehold, because it could be dealt with in a manner different from a freehold. But that was not material to the present question. A great amount of property was held on lease from 999 years down to sixty years. The Reform Bill of 1832 established sixty years, because, generally speaking, it was a term for which land was let for building and other purposes. Therefore it was assumed that it ought to be taken as the basis of the franchise that was then created. It was obvious that the ground upon which the supporters of the Reform Act proceeded with regard to sixty years was that it could not be used for the purpose of faggot voters. He saw no reason why they should depart from the principles of the Reform Act of 1832, which laid down that sixty years were sufficient to insure a real interest in land, and that it was equivalent to the other tenures in the Reform Act. The annual value of £5 should be applied to leaseholds of the duration of sixty years. If a person mortgaged his lease so as not to preserve the value, he would not be entitled to a vote. They had already decided the question then before the Committee, and had only to apply the decision of the other night.

THE CHANCELLOR OF THE EXCHEQUER said, he opposed the Motion the other night with regard to copyholds, not that he thought it unreasonable, but because he wished to interfere as little as possible with the old franchises, because every alteration in them increased the difficulty of passing a measure like the present. He considered the decision with regard to copyholders to be conclusive as to the Motion now before the Committee. He agreed to it, subject to this—that the £5 qualification was to be enjoyed under similar conditions as the £10 qualification in the Reform Bill of 1832. The clause had been so much altered—and would probably be more so—that it was necessary there should be a clear understanding upon it. It would be necessary to introduce

some short proviso to the effect he had stated, and with that understanding he agreed to the Amendment.

SIR ROBERT COLLIER said, he wished to ask what the understanding was supposed to be?

MR. GATHORNE HARDY: That the £5 qualification will be enjoyed the same as the £10 qualification under the 24th and 25th sections of the Reform Act.

MR. HUSSEY VIVIAN said, that if the proviso was to be the same as that contained in the 24th and 25th sections of the Reform Act it would be of a serious character. He considered those sections ought to be modified. The hon. Gentleman the Member for Bridgwater had given notice of an Amendment affecting those sections. They must be satisfied that the alteration was not simply limited to the alteration of a figure as provided in the 20th section without reference to the 24th and 25th sections. Without that understanding he could not allow the discussion to end without taking the sense of the Committee upon it.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman had made a proposal which the Government well understood, and they had given a clear answer to it. He then turned round and said another hon. Member had a proposal on the Paper which was not before the Committee, and that having regard to that he could not agree to the interpretation which he (the Chancellor of the Exchequer) had put upon his proposal. At present the Committee had only the hon. Member's Amendment before them, and he agreed to the introduction of this qualification, subject to the conditions imposed by the Reform Act of 1832. If those conditions were objected to, they might be challenged hereafter.

MR. GLADSTONE said, his hon. Friend (Mr. H. Vivian) was only anxious that no misapprehension should exist upon this question. It was to be open to the hon. Gentleman to raise any question in connection with these leaseholders. The understanding on both sides was that the value should be reduced from £10 to £5.

MR. HUSSEY VIVIAN said, he was satisfied with the observations of the Chancellor of the Exchequer. His remarks applied to the observation of the right hon. Gentleman (Mr. G. Hardy).

MR. GOLDNEY said, the Bill would be open to the objection that the freeholder of £10 a year was placed in a worse

position than the copyholder and leaseholder.

Amendment agreed to.

MR. NEATE said, the copyholder was not a voter till the Reform Act of 1832 was passed. The first Amendment of which he had given notice was to create a 40s. copyhold franchise, subject to the same provisions as the 40s. freeholder. But he would not press that Amendment. He agreed with the hon. Member (Mr. Goldney) as to the position of the question. The Committee stood in a position of considerable inconsistency by the division of Monday. By that division the £5 copyholder was placed in a better position than the £9 freeholder. Now the leaseholder was placed in a better position than the £9 freeholder, inasmuch as residence was required of the freeholder, but not of the copyholder or leaseholder. This was so absurd an anomaly that the clause must be re-considered on the Report. His second Amendment, restricting the rent-charge for life franchise to £10, was of considerable importance. He should, on the Report, move the clause fixing the franchise at £5. At present he withdrew the Amendment.

SIR EDWARD COLEBROOKE said, he moved to leave out the words "premises of any tenure," and insert the words "a dwelling-house or other building." His Amendment was designed to check the practice of splitting votes, and a proviso similar in character had been introduced into three out of the five Reform Bills lately introduced into Parliament. Such a proviso was in the Bills of 1853, 1860, and 1866. In the Bill of 1859 of Lord Derby's Government a proviso was also inserted for the purpose of meeting the case. His object was to prevent the creation of faggot votes, for which there were greater temptations in the counties than in the boroughs. He hoped for the support of Gentlemen on both sides of the House. This was a subject of common interest, as no one could wish to see the natural and resident constituency of a county overborne by strangers.

Amendment proposed,

In page 2, line 22, to leave out the words "premises of any tenure," in order to insert the words "a dwelling house or other building."—(*Sir Edward Colebrooke.*)

MR. ELLICE said, that he objected to the subdivision of land unless there was a

Mr. Goldney

building on each portion. He thought, however, that the Amendment would not effect the object of the Mover, unless it were provided that the house should be of the value of £5. He objected to the words "or other building," which might include a cow-house or shed. Unless his hon. Friend would so far modify his Amendment, he (Mr. Ellice) would move the omission of the words "or other building," which omission would render residence necessary. He hoped, as the object sought to be obtained by means of the Amendment was a perfectly legitimate one, the Government would accept that Amendment.

Amendment proposed to the said proposed Amendment, to leave out the words "or other building."—(*Mr. Ellice.*)

MR. PACKE said, that many counties were divided from adjoining counties by a brook, or hedge, or other small line of division. It might well happen that a man occupying a farm of 200 acres might have fifty acres, with the farmhouse, in one county, and 150 in another. The proposed Amendment would deprive him of a vote in respect of the 150 acres, which would be a very unfair thing to do.

LORD JOHN MANNERS said, that from the way in which this matter had been brought forward he could not help thinking that there was some real or imaginary Scotch grievance at the bottom of it. He must remind the Committee that they were then discussing the county franchise of the English Bill. A full and able debate took place on the very point now before the Committee not longer ago than last year, when the proposal of the hon. Member (Sir Edward Colebrooke) formed part of the Reform Bill of the late Government, and the result of that debate was that the right hon. Gentleman (Mr. Gladstone) announced himself so satisfied with the arguments which had been brought forward against the proposal that he withdrew it. He was not aware that anything had occurred since then to induce them to reverse that decision. This was an attempt to subvert that which had hitherto been regarded as the basis of the county franchise. It was not at present necessary that there should be a house in occupation upon the land to confer a county franchise, and if it were now rendered necessary some curious results would follow. It had been pressed very strongly that they should not place the

new borough voters in a worse position than were those who enjoyed the franchise under the existing law. If this were to be so with regard to the boroughs why should it not be so with regard to the counties? He wanted to know how they could justify the necessity of this condition with regard to the new county voters, when it did not exist in reference to the present £50 occupiers? To adopt the proposal made would be to set up an invidious distinction between the new and the old voters. He hoped, therefore, that it would be rejected.

SIR ROUNDELL PALMER said, that whatever arguments might be urged for or against this proposal, those used by the noble Lord who had just spoken were certainly not conclusive. When the borough franchise was under discussion he had himself proposed—wishing to see the line between the new and the old voters obliterated—that the same rule should, as far as possible, be adopted in regard to the occupying tenant, whether the value of his tenement was above £10 or below it—that was to say, that a shop, warehouse, or counting-house should in either case give a qualification for the suffrage. But the Committee thought that circumstances might be applicable to the lower value, which would not be applicable to the higher value, and they deliberately declined to adopt his proposal, and adhere to the proposal of the Government, departing from the simple rule of uniformity in that respect in reference to the borough franchise. The Government themselves, by that very clause, proposed to adopt a different rule as to the new county voter from that now applicable to the £50 occupier, because they proposed, in conformity with what they had done in regard to the borough franchise, that the £12 occupier should be rated to and should have paid all rates payable upon his occupation up to a certain date, a provision not applicable to the existing £50 occupier. It was clear therefore that the two sets of voters were to be placed in different positions. He thought that there was great reason for the Amendment, because there might be very good reason that care should be taken against the multiplication of £12 qualifications, when there was not the same danger of £50 qualifications being multiplied. To carry the clause as it stood would give an excellent opportunity to landlords whose land was situated on the borders of counties to create votes by a

convenient arrangement of farms. He hoped that the Amendment would be adopted.

MR. SERJEANT GASELEE said, he thought that the proposal of the Government was a liberal one, and that the Amendment would operate in restriction of the franchise. Under these circumstances he should support the Government.

MR. LOCKE KING said, that in the two or three last Bills which he had introduced in reference to the county franchise there was a clause like the Amendment now before them. It was inserted upon the suggestion of Sir James Graham, who thought that if it were not necessary that there should be a dwelling-house upon the land, votes would be improperly multiplied.

MR. HENRY BAILLIE said, that the wording of the Amendment was objectionable. If there was to be a house at all, it should be joined to the land, and should not be separate from it.

SIR EDWARD COLEBROOKE said, he acceded to the suggestion that the words “or other building” should be struck out of his Amendment.

Question, “That the words ‘or other building,’ stand part of the said proposed Amendment,” put, and *negatived*.

Amendment again proposed, to leave out the words “premises of any tenure,” in order to insert the words “a dwelling house.”

Question put, “That the words proposed to be left out stand part of the Clause.”

The Committee *divided*:—Ayes 193; Noes 196: Majority 3.

Question put, “That the words ‘a dwelling house,’ be there inserted.”

The Committee *divided*:—Ayes 209; Noes 212: Majority 3.

AYES.

Acland, T. D.	Baxter, W. E.
Adair, H. E.	Bazley, T.
Adam, W. P.	Beaumont, H. F.
Agar-Ellis, hn. L. G. F.	Berkeley, hon. H. F.
Akroyd, E.	Biddulph, M.
Amberley, Viscount	Blake, J. A.
* Andover, Viscount	* Blennerhasset, Sir R.
Armstrong, R.	Bonham-Carter, J.
Ayrton, A. S.	* Brady, J.
Aytoun, R. S.	Brand, rt. hon. H.
Baines, E.	Bright, J.
Barclay, A. C.	Briscoe, J. I.
Barry, A. H. S.	Bruce, Lord C.
Bass, A.	Bruce, rt. hon. H. A.

[Committee—Clause 4.

Buller, Sir E. M.
Butler, C. S.
Buxton, Sir T. F.
Calcraft, J. H. M.
Candlish, J.
Cardwell, rt. hon. E.
Cave, T.
Cavendish, Lord E.
Cavendish, Lord F. C.
Cavendish, Lord G.
Cheetham, J.
Childers, H. C. E.
Cholmeley, Sir M. J.
Clay, J.
Clinton, Lord E. P.
Collier, Sir R. P.
Colthurst, Sir G. C.
Colville, C. R.
Cowen, J.
Cowper, hon. H. F.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crossley, Sir F.
Davie, Sir H. R. F.
De La Poer, E.
Dering, Sir E. C.
Devereux, R. J.
Dillwyn, L. L.
Doulton, F.
Duff, R. W.
Dundas, F.
Edwards, C.
Ellice, E.
Enfield, Viscount
*Erskine, Vice-Ad. J. E.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewing, H. E. Crum-
Fawcett, H.
FitzPatrick, rt. hn. J. W.
Forster, C.
Forster, W. E.
Fortescue, rt. hon. C. S.
*Fortescue, hon. D. F.
Foster, W. O.
Gavin, Major
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Glyn, G. G.
Goldsmid, Sir F. H.
Goldsmid, J.
Goschen, rt. hon. G. J.
*Graham, W.
Gray, Sir J.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Gridley, Capt. H. G.
Grosvenor, Capt. R. W.
Grove, T. F.
Hadfield, G.
*Hankey, T.
Harris, J. D.
Hay, Lord W. M.
Hayter, A. D.
Headlam, rt. hon. T. E.
Henderson, J.
Heneage, E.
Herbert, H. A.
Hibbert, J. T.
Hodgkinson, G.
Holden, I.

Howard, hon. C. W. G.
Hughes, T.
Hurst, R. H.
Ingham, R.
Jardine, R.
Jervoise, Sir J. C.
*Johnstone, Sir J.
Kennedy, T.
Kingleake, J. A.
Kingscote, Colonel
Knatchbull-Hugessen E
Labouchere, H.
Laing, S.
Layard, A. H.
Lawrence, W.
Lawson, rt. hon. J. A.
Leatham, W. H.
Lee, W.
Lefevre, G. J. S.
Lewis, H.
Locke, J.
Lusk, A.
Mackie, J.
*M'Lauren, D.
Maguire, J. F.
Marjoribanks, Sir D. C.
Martin, C. W.
Martin, P. W.
Matheson, A.
*Matheson, Sir J.
Merry, J.
Milbank, F. A.
Mill, J. S.
Miller, W.
Mills, J. R.
Mitchell, A.
Monk, C. J.
Moore, C.
More, R. J.
Neate, G.
Nicol, J. D.
Norwood, C. M.
O'Beirne, J. L.
O'Brien, Sir P.
O'Donoghue, The
Oliphant, L.
O'Reilly, M. W.
Osborne, R. B.
Padmore, R.
Palmer, Sir R.
Parry, T.
Pease, J. W.
Peel, rt. hon. Sir R.
Peel, A. W.
Peto, Sir S. M.
Philips, R. N.
Pim, J.
Platt, J.
Portman, hn. W. H. B.
Potter, E.
Potter, T. B.
Power, Sir J.
Price, R. G.
*Proby, Lord
Rebow, J. G.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron M. de
Rothschild, N. M. de
Russell, A.
Russell, H.
St. Aubyn, J.

Salomons, Alderman
Samuelson, B.
Saunderson, E.
*Scholefield, W.
Scott, Sir W.
Sherriff, A. C.
Simeon, Sir J.
Smith, J.
Smith, J. A.
Staepoole, W.
*Stanley, hon. W. O.
Stansfeld, J.
Stock, O.
Stone, W. H.
Stuart, Col. Crichton-
Sullivan, E.
Synan, E. J.
Taylor, P. A.
Torrens, W. T. M' C.
Trevelyan, G. O.

Vanderbyl, P.
Villiers, rt. hn. C. P.
Vivian, H. H.
Vivian, Capt. hn. J. C. W.
Watkin, E. W.
Weguelin, T. M.
Western, Sir T. B.
Whalley, G. H.
Whatman, J.
White, hon. Capt. C.
White, J.
Williamson, Sir H.
Wyld, J.
Wyvill, M.
Young, R.

TELLERS.

Colebrooke, Sir E.
King, hon. P. J. L.

NOES.

Adderley, rt. hon. C. B.
*Archdall, Captain M.
Baggallay, R.
Bailey, Sir J. R.
Baillie, rt. hon. H. J.
Baring, T.
*Barrington, Viscount
Barrow, W. H.
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
*Beecroft, G. S.
*Benyon, R.
*Beresford, Capt. D. W.
Pack-
*Bingham, Lord
Bourne, Colonel
Bowyer, Sir G.
Brett, W. B.
Bridges, Sir B. W.
Bromley, W. D.
Browne, Lord J. T.
*Bruce, Lord E.
Bruce, Sir H. H.
Bruen, H.
Buckley, E.
Burrell, Sir P.
Butler-Johnstone, H. A.
Capper, C.
Cartwright, Colonel
Cave, rt. hon. S.
Cecil, Lord E. H. B. G.
*Cochrane, A. D. R. W. B.
Cole, hon. H.
Cole, hon. J. L.
Conolly, T.
*Cooper, E. H.
Corry, rt. hon. H. L.
*Courtenay, Lord
Cranbourne, Viscount
Cubitt, G.
Curzon, Viscount
Dick, F.
Dickson, Major A. G.
Dimsdale, R.
Disraeli, rt. hon. B.
Du Cane, C.
Dunne, General
Du Pre, C. G.
Dyke, W. H.

Dyott, Colonel R.
Eaton, H. W.
Eckersley, N.
Edwards, Sir H.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Fane, Lt.-Col. H. H.
*Fane, Colonel J. W.
Feilden, J.
Fellowes, E.
Fergusson, Sir J.
Floyer, J.
Forester, rt. hon. Gen.
Fort, R.
Freshfield, C. K.
Galway, Viscount
Garth, R.
Gaselee, Serjeant S.
Gaskell, J. M.
Getty, S. G.
*Gilpin, Colonel
Goddard, A. L.
Goldney, G.
Gooch, Sir D.
Goodson, J.
*Gore, J. R. O.
Gore, W. R. O.
Greenall, G.
Grey, hon. T. de
*Grosvenor, Lord R.
Gunniss, Sir B. L.
Gurney, rt. hon. R.
Gwyn, H.
Hamilton, rt. hn. Lord C.
Hardy, rt. hon. G.
Hartley, J.
Harvey, R. B.
Hay, Sir J. C. D.
*Heathcote, hn. G. H.
Heathcote, Sir W.
Henley, rt. hon. J. W.
*Henniker-Major, hon.
J. M.
Herbert, hon. Col. P.
Heygate, Sir F. W.
*Hildyard, T. B. T.
Hogg, Lieut.-Col. J. M.
*Holford, R. S.

Holmesdale, Viscount
 Hood, Sir A. A.
 Hope, A. J. B. B.
 Hornby, W. H.
 Horsfall, T. B.
 Hubbard, J. G.
 Huddleston, J. W.
 Hunt, G. W.
 Jervis, Major
 Jolliffe, hon. H. H.
 Jones, D.
 Karslake, Sir J. B.
 Karslake, E. K.
 Kavanagh, A.
 Kekewich, S. T.
 Kelk, J.
 Kendall, N.
 King, J. K.
 King, J. G.
 Knight, F. W.
 Lacon, Sir E.
 Laird, J.
 Langton, W. G.
 Lanyon, C.
 Lascelles, hon. E. W.
 Leader, N. P.
 Lechmere, Sir E. A. H.
 Legh, Major C.
 Lennox, Lord H. G.
 Liddell, hon. H. G.
 Lindsay, hon. Col. C.
 Lindsay, Colonel R. L.
 Lopes, Sir M.
 Lowther, J.
 M'Kenna, J. N.
 Mackinnon, Capt. L. B.
 Manners, rt. hn. Lord J.
 Manners, Lord G. J.
 Meller, Colonel
 Montagu, rt. hn. Lord R.
 Montgomery, Sir G.
 Mordaunt, Sir C.
 Morgan, O.
 Morgan, hon. Major
 Mowbray, rt. hn. J. R.
 Naas, Lord
 Neeld, Sir J.
 Neville-Grenville, R.
 Newdegate, C. N.
 Newport, Viscount
 North, Colonel
 Northcote, rt. hn. Sir S. H.
 O'Neill, E.
 Packe, C. W.
 Paget, R. H.
 Pakington, rt. hn. Sir J.
 Palk, Sir L.
 Parker, Major W.
 Patten, Colonel W.

Pennant, hon. G. D.
 Percy, Mjr.-Gen. Lord H.
 Powell, F. S.
 * Pritchard, J.
 Pugh, D.
 Read, C. S.
 Rearden, D. J.
 Repton, G. W. J.
 Ridley, Sir M. W.
 Robertson, P. F.
 Rolt, Sir J.
 * Russell, Sir C.
 Samuda, J. D'A.
 Schreiber, C.
 Slater-Booth, G.
 Scourfield, J. H.
 Selwin, H. J.
 Selwyn, C. J.
 Severne, J. E.
 Seymour, G. H.
 Simonds, W. B.
 Smollett, P. B.
 Stanhope, J. B.
 Stanley, Lord
 Stanley, hon. F.
 Stopford, S. G.
 Stronge, Sir J. M.
 Stuart, Lieut.-Col. W.
 Stucleys, Sir G. S.
 Surtees, C. F.
 Surtees, H. E.
 Sykes, C.
 Talbot, C. R. M.
 Thynne, Lord H. F.
 Tollemache, J.
 Torrens, R.
 Tottenham, Lt.-Col. C. G.
 Treeby, J. W.
 * Trevor, Lord A. E. Hill-
 Trollope, rt. hon. Sir J.
 Turner, C.
 Verner, Sir W.
 Walcott, Admiral
 Walker, Major G. G.
 Walrond, J. W.
 Walsh, A.
 Walsh, Sir J.
 Waterhouse, S.
 Welby, W. E.
 Whitmore, H.
 Williams, F. M.
 Wise, H. C.
 Woodd, B. T.
 Wyndham, hon. P.
 * Wynn, C. W. W.

TELLERS.

Taylor, Colonel T. E.
 Noel, hon. G. J.

Members marked * did not vote in the previous division.

Bulkeley, Sir R., Sandford, G. M. W., voted for the Ayes in the previous division; and did not vote in this.

VISCOUNT CRANBOURNE: As the clause is now in an absolutely hopeless condition, I think we had better ask the Chairman to report Progress.

MR. GATHORNE HARDY said, he moved that the words "lands or tenements" be inserted in place of the words left out.

MR. AYRTON said, he moved to substitute for the words "or tenements" in this Amendment these words, "with a tenement erected thereon," so that the clause would give a county vote to "the occupier as owner or tenant of lands with a tenement erected thereon" of certain rateable value.

SIR GEORGE GREY: I wish to point out that the proposals on the part of the Government and the Amendments from this side of the House show that the clause under discussion is in such a condition that we cannot do better than adopt the suggestion made by the noble Lord (Viscount Cranbourne) and report Progress. It is not proper for us to divide on the propriety of inserting these important words without notice.

THE CHANCELLOR OF THE EXCHEQUER: We have already divided on the insertion of words moved from the other side of the House without notice, and really I have not the face to ask hon. Members to come to morning sittings, and at the same time agree to a Motion to report Progress at eleven o'clock only. There is no instance known of legislation of considerable scope, certainly no instance of a Bill of this character, in which Amendments of importance are not moved without notice. If you were to insist that notice be given of every Amendment, even of verbal Amendments to a Bill of this description, it would take years to pass it. Let us be candid with each other, state plainly what we desire, and then, I am sure, there will be no need of reporting Progress at eleven o'clock. I appeal to both sides of the House to support me in proceeding with the Bill.

SIR GEORGE GREY: The question at issue is a most important one. If the county franchise is reduced as it is proposed to reduce it, should we allow occupiers of lands without tenements to exercise the franchise? This is no verbal Amendment. The Committee has come to two contradictory decisions, and I think we ought to deliberate on the question as to how we are to fill up the blank in the clause.

LORD JOHN MANNERS: The course the Government proposes to take with respect to this question is precisely the course with the right hon. Gentleman the

[Committee—Clause 4.]

Member for South Lancashire agreed after full discussion to adopt last year.

MR. GLADSTONE: I was very unwilling, Sir, to trouble the Committee; but when I heard the bold assertion of the noble Lord, founded no doubt upon an erroneous recollection, that the Government of last year had acceded to the proposals of the hon. Member for Lincolnshire (Mr. Banks Stanhope), in consequence of the force of his reasoning, I felt bound to reply to a statement made with so much confidence. The noble Lord stated that with so much courage and confidence that I would not trust to my own strong recollection without sending for *Hansard* and reading the whole of what I then said. On reading the whole of my remarks upon that occasion, I find that the sum of them is contained in this passage, which the Committee will see amounts simply to this, that, for the sake of conciliation, and not upon the grounds of argument we acceded to the proposal. ["Oh!"] The noble Lord throws up his hands; but let the noble Lord listen to the words used and then judge whether he has accurately stated the case—

"He did not see any object in the words——"

That is the words as they originally stood in our Bill. ["Who?"] I am reading from my own speech in answer to the assertion that the noble Lord said I adopted the views advanced from the opposite side—

"He did not see any object in the words sufficient to make them (the Government) persevere in doing that which many hon. Gentlemen seemed to think was a positive pleasure to them, but which was really eminently disagreeable to them—namely, refusing demands for alterations of the measure."—[3 *Hansard*, clxxiv. 420.]

Therefore, it was from our unwillingness to refuse those demands, in the absence of some great and capital motive of policy, that we acceded to the proposal made, and not because we desired to adopt this particular suggestion from the opposite side of the House. I have not the smallest doubt that the proposal made by my hon. Friend is a reasonable proposal, which will secure an expression of the real sentiments of the voters in elections, and will tend to purify the register in the counties.

MR. BANKS STANHOPE said, he had not the advantage of being able to refer to *Hansard*; but he clearly recollected that the right hon. Gentleman last year in his argument in favour of "flesh and blood,"

Lord John Manners

admitted that it was equally applicable to the boroughs as to counties. He also said that if Gentlemen on the opposite side of the House were prepared to assent to any clause having for its object to prevent the creation of faggot votes, he, for his part, had no objection to insert the words suggested. Therefore, he could not at all understand the ground on which the right hon. Gentleman felt himself justified in pursuing a different course now. If a man paid a rental of £100 a year for land in a county, was it reasonable to propose that he should not have a vote in respect of that, unless he also paid a rent of £5 a year for bricks on that land? He was quite unable to see why a person holding land worth £100 should be disfranchised because it had not upon it buildings worth £5.

MR. AYRTON said, the question now to be decided was whether the Chairman should report Progress. He wished to point out the position in which they now stood. The word "premises" had been struck out, and the Chancellor of the Exchequer had proposed to insert the words "lands or tenements," which amounted to exactly the same thing. They were now re-considering what had already been done. Every one admitted that land was to be a part of the qualification, and the question was what was to be added to it. It had been decided that the words "dwelling house" should not be added; but it was probably meant that something more than mere land should be the qualification. The words to be inserted required some consideration. If the word building was used it would probably involve a building of some value, because a building without value was an absurdity. The question was how the connection between the building and the land was to be defined. He begged to move that the Chairman report Progress.

MR. NEWDEGATE said, that he wished to point out to the majority, which had declared for the residential principle in counties, that the effect would be to disfranchise persons holding large tracts of land upon which buildings worth £15 were not erected. They were, in point of fact, voting to restrict the extension of the suffrage. Hon. Gentlemen opposite had got into a difficulty by striking out the words which they had objected to, and they did not like an equivalent to those words to be inserted. Words of some kind must be put into the clause, and he did not

see how they would get over the difficulty merely by postponing it.

SIR ROUNDELL PALMER said, the speeches of the hon. Members for Lincolnshire and North Warwickshire (Mr. B. Stanhope and Mr. Newdegate) showed how completely they misunderstood the question. One had spoken of holdings worth £100 a year, the other of large tracts of land. But they both seemed to forget that the franchises now proposed were additional to those contained in the Reform Act, and would leave untouched the existing £50 qualification. The £15 and £50 qualifications in counties were very different. As regarded the former amount there ought to be a dwelling upon the land.

SIR JOHN TROLLOPE said, the hon. and learned Gentleman was under a great mistake if he thought there were no holdings of less than 100 acres without houses upon them. He happened to reside on the borders of three or four counties, and nothing was more common than for a man to own a field worth £15 on the side of the river opposite to that at which his house was situate. In respect of that field he would be liable to rates and taxes, and yet the proposal of Gentlemen opposite was that he should not have a vote. If they were to proceed on the principle of giving a vote for the payment of rates, why should they exclude that man any more than a householder of one year's residence? This was a question not of fabricating votes, but of justice, and as such he put it to the House.

MR. GOLDNEY said, that the hon. Member (Mr. Bright) had stated that the words of the Reform Act of 1832 need not be departed from. The very words which it was now proposed to insert were in that Act.

MR. OWEN STANLEY said, the country Gentlemen were beginning to grow excited, and he therefore supported the Motion for reporting Progress. It was necessary that the House should resume its usual judicial calmness in deciding this important question, which might have a most important effect hereafter. Hon. Members should bear in mind that they were legislating for the country's good and not for party or for party views.

THE CHANCELLOR OF THE EXCHEQUER said, that after the dead heat which had been run, he had thought that the deciding race might have taken place at once. But from the discussion which

had taken place during the last half hour, it seemed highly probable that nothing would now be gained by going on. He should not therefore trouble the Committee by dividing; but he hoped that the reporting Progress at that early hour (twenty minutes past eleven) was not a proceeding which the Committee would adopt as a precedent. He thought it would be a very unsatisfactory habit to fall into. As to the excitement which had just been alluded to, he could not see anything in the way of excitement on his side of the House beyond what the speeches—not distinguished for their ingenuousness—of hon. Gentlemen opposite fully justified.

MR. BRIGHT said, he thought it rather unfortunate that they should get excited, because they had agreed that they were not to have any party fights on this question, but honestly to do their best to get it settled. He was quite at liberty to say that the right hon. Gentleman the Chancellor of the Exchequer had shown a very fair disposition to accept the general view of the House with regard to this question. Therefore he (Mr. Bright) should be very sorry to support the Motion to report Progress if he thought there were any possibility of doing anything good under the circumstances the Committee were then placed in. But hon. Gentlemen opposite must feel that they on that (the Opposition) side were not wishing to limit the franchise, or to raise it, or do anything contrary to extending the franchise widely. They only wished to do what every honest man would desire to do—to take every security against the creation of faggot votes, which might be used against hon. Members opposite as well as against them on that side; a system which was disgusting. They had had two divisions which might be considered a tie. He thought if between that and the time when the House again went into Committee the right hon. Gentleman the Chancellor of the Exchequer took this question into consideration, he might be able to propose words which would meet the general views of both sides of the House. If the right hon. Gentleman would give this security in any reasonable shape, they on that side had no wish to go to party divisions. If the right hon. Gentleman should accept this suggestion in the spirit in which it was offered, they would have no contest on a question of this kind.

SIR EDWARD COLEBROOKE said, he

[Committee—Clause 4.]

thought with respect to this Amendment that hon. Gentlemen opposite were not keeping faith with the Members of the late Government.

MR. ROEBUCK said, he wished to ask if the Reform Bill, by some arrangement, could not be proceeded with to-morrow? ["No!"]

MR. LOCKE KING said, he wished to ask when the Bill would be proceeded with?

THE CHANCELLOR OF THE EXCHEQUER: On Monday next.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

RAILWAYS (SCOTLAND) BILL.

(*Sir Graham Montgomery, Mr. Hunt.*)

[BILL 122.] SECOND READING.

Order for Second Reading read.

SIR GRAHAM MONTGOMERY, in moving the second reading of this Bill, said, in Scotland the assessor who valued for railways was always appointed by the Government, and the valuation was a gross and not a net valuation. The object of the Bill was to direct the railway assessor as to the manner in which he was to value for railways. It would enable the assessor to deduct one-half of the cost of maintaining the permanent way, it being considered that the wear and tear was about 18 per cent more than the cost of keeping up the worse class of house property.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Graham Montgomery.*)

MR. CRAUFURD said, the Bill was an attempt on the part of the railways to introduce on the valuation rate the change of gross value into net value. If the Bill passed how could they resist the claim of gas works, and afterwards of all other property?—a proposal which had been inquired into and reported against by a Select Committee. He moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Edward Craufurd.*)

Question proposed, "That the word 'now' stand part of the Question."

Sir Edward Colebrooke

SIR JAMES FERGUSON said, that the Bill was based on the principle that the maintenance of the permanent way of railways involved a reduction of 18 per cent more from the gross receipts than was required in the case of other property. The Bill redressed an established grievance in the present inequitable rating of the railways, and nearly every county had affirmed the principle of it. It was no railway job, but had been brought forward on the responsibility of Government, with the view of substituting a net for a gross valuation of railways for rating purposes, in accordance with the recommendation of a Committee which sat upon this particular subject.

MR. CARNEGIE moved the adjournment of the debate. The Bill had not been properly considered by the county meetings in Scotland. It was pressed forward in what he considered a most improper manner.

LORD ELCHO seconded the Motion for Adjournment, as he thought it very desirable before the Bill was read a second time that the House should hear the opinion of the late Lord Advocate of Scotland.

MR. CHILDERS said, that he should support the Amendment on the ground that the Report of the Railway Commissioners had only just been printed and placed in the hands of Members.

Debate adjourned till *Thursday* next.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, May 24, 1867.

MINUTES.]—*Sat First in Parliament*—The Lord Vernon, after the Death of his Father.

PUBLIC BILLS.—*First Reading*—Army Enlistment * (112); Meetings in Royal Parks (113).

Second Reading—Consecration of Churchyards (15); Labouring Classes Dwellings Act (1866) Amendment * (104); British Spirits * (103).
Report—British White Herring Fishery * (80); Sale and Purchase of Shares * (74).

NEW PALACE YARD AND THE HOUSES OF PARLIAMENT.—QUESTION.

THE EARL OF DERBY said, that a few days ago a noble Lord (Lord Lyveden) had

asked him a Question with regard to the alterations now going on in the immediate neighbourhood of the Houses of Parliament which he was at that time unable to answer. Mr. Edward Barry, however, the architect in charge of the works, had since informed him that they were rapidly approaching completion, and had furnished him with a block plan of the alterations in course of progress. That plan would show their Lordships clearly what was intended to be done. He did not propose to lay the plan upon the table of the House, but to place it in the Library, where it could be seen by their Lordships; and if it was desired that it should subsequently be lithographed and circulated as a Parliamentary Paper, he was perfectly willing that that course should be adopted.

THE KNIGHTSBRIDGE CAVALRY BARRACKS.—QUESTION.

LORD REDESDALE desired to call their Lordships' attention to a Notice given in the House of Commons referring to the removal of the Barracks at Knightsbridge. When, a short time since, he had taken occasion to refer to the progress of the buildings for Public Offices he was told that a difficulty was experienced in finding the money necessary to carry on public works. Now, it appeared to him that to pull down the Barracks at Knightsbridge and to find a new site and build new barracks upon it were matters of far less importance to the public than the completion of the Public Offices in Downing Street. He therefore gave notice that on Thursday next he should ask the Government whether it was intended to pull down the Knightsbridge Barracks, which were most conveniently situated for the Life Guards and Household regiments, and to go to the expense of erecting new ones elsewhere? He should also ask whether the persons whose property would be improved by the removal of the Barracks were to pay the expenses attending the erection of the new Barracks and the finding an appropriate site?

MEETINGS IN ROYAL PARKS BILL. PRESENTED. FIRST READING.

LORD REDESDALE said, that he proposed to present to their Lordships a Bill in reference to the right of holding public meetings in the Parks. Their Lordships were aware that the Government had introduced a Bill on the subject in the other

House, and that the progress of that Bill had from very reasonable considerations been suspended. There seemed to be still an agitation going on among parties who wished to hold meetings in the public Parks. From his acquaintance with what had passed with regard to parks in other places which had been given to the public, he knew that public meetings were in almost all such cases prohibited; and therefore, from his knowledge of what had taken place "elsewhere," as well as for his own protection and comfort as one of Her Majesty's subjects, having a right to the enjoyment of the Parks, he would lay on the table a Bill containing the same provisions as were inserted in an Act of Parliament on the suggestion of Sir Francis Crossley when he presented a park to the town of Halifax. No one could say that Sir Francis Crossley was likely to frame any unreasonable or unpopular regulations for the enjoyment of a people's park. The provision with regard to his park was that it should not on any occasion be used for the purpose of holding political or any other meetings, nor for open air preaching, nor for celebrating the anniversaries of clubs or benefit societies. He proposed to adopt the very words of the Halifax Improvement Act. In local Acts, referring to provincial parks, it was enacted that the respective corporations should have power to make bye-laws for the regulation of the use of the parks; but as there was no such body which could make laws for the London Parks, he proposed to vest the power in Parliament. He had brought in the Bill entirely on his own responsibility, and without consulting any Member of the Government; but of course if it was objected to by the Government he should not proceed with it.

A Bill for the better and more effectually securing the Use of certain Royal Parks and Gardens for the Enjoyment and Recreation of Her Majesty's Subjects—Was *presented* by The LORD REDESDALE.

THE EARL OF DERBY: It would not become me to express any opinion upon a Bill of this nature while its subject is under the consideration of Her Majesty's Government. In point of fact, the difficulties that have been felt have not been so much with regard to laying down regulations as to providing penalties for enforcing them. As we have been advised by the Law Officers of the Crown, there is no question whatever as to the rights of the Crown with regard to the Royal Parks. The Crown has a right, in virtue of its

ownership of the Parks, to make bye-laws for their regulation, the violation of which ought to be subjected to some penalty. At present, any person violating those bye-laws can only be proceeded against as a trespasser, and even that course cannot be taken unless personal notice has been given to the offender. The penalty for trespassing has been found to be quite inadequate for the purpose; and the question of providing a more efficient remedy is now under the consideration of the Government. Of course, we shall be happy to have the assistance of my noble Friend in framing an efficient remedy. I believe that such penalties as would prevent the violation of the regulations which are framed for the benefit of the public at large, for whose recreation the Parks are thrown open, will meet with general approval.

LORD PORTMAN said, that the question was of such importance that it ought to be left in the hands of the Government. He did not see why the law required for Hyde Park should not apply to every park throughout the kingdom. If the Government, after due consideration, should be disposed to alter the law of trespass, there would be less objection to such alteration if it applied to all places than if it were confined to a particular place. He was in the habit of allowing persons to assemble for amusement in his park; but if any of those persons misbehaved themselves he had no remedy against them but the law of trespass, which was a most roundabout and unsatisfactory proceeding.

LORD REDESDALE said, his only object in laying his Bill upon the table was to express his own opinion upon the subject, and to bring under the notice of their Lordships and the public generally the stipulations which had been insisted upon by nearly all those who had given parks for the use of the inhabitants of towns. He reminded the noble Lord who had just spoken that there were particular laws in force in almost all towns having these parks, except London. What he proposed would not be in the form of a bye-law, but would be an enactment by Parliament. He had no particular desire to proceed with the Bill.

Bill read 1^a; and to be printed.—
(No. 113.)

CONSECRATION OF CHURCHYARDS BILL.

(The Lord Redesdale.)

(NO. 15.) SECOND READING.

Order of the Day for the Second Reading read.

LORD REDESDALE, in moving that the Bill be now read the second time, reminded their Lordships that a similar Bill which he had brought in last Session had been withdrawn on its third reading in consequence of some objection which had been raised by the Archbishop of Canterbury. The Bill did not propose to consecrate ground by Act of Parliament, but to remove legal disabilities which existed with regard to the performance of certain services in unconsecrated churchyards, by holding that to be consecrated ground which was added to ground already consecrated. He had received communications from clergymen and laymen, from all parts of the country, in favour of the Bill.

Moved, "That the Bill be now read 2^a."
—(The Lord Redesdale.)

THE ARCHBISHOP OF CANTERBURY gave full credit to the noble Lord for the object he had in bringing forward this Bill, which was to diminish the expense of consecration, and in some cases to do away altogether with those expenses. He, however, objected to the manner in which that object was sought to be obtained, for the Bill called upon the Bishop to pronounce under his hand and seal that a piece of ground was consecrated which had not really been consecrated. He should propose in place of the 1st clause the following words, which he thought would meet the objection—namely:—

"It shall be lawful for the Bishop, if he sees fit, to authorize under his hand and seal the addition of any contiguous portion to an existing churchyard, and that the portion so added shall be considered to be an integral part of the said churchyard, and shall be subject to all the laws, statutes, and canons which apply to that churchyard."

THE EARL OF ELLENBOROUGH said, he should be glad to know from the author of the Bill what strictly was the meaning he attached to the word "consecration?" He understood it to mean the appropriation of anything to religious purposes, and nothing further; and therefore the Bishop merely recognised on the part of the Church that which was already done by the law. The Bishop merely perambulated

the ground and pronounced a prayer; but his most important duty was to ascertain that the person who conveyed the land was entitled to do so in such a way that it became a gift in perpetuity, and to take care that the deed was registered in his court, so that it would at all times be accessible to all persons.

THE BISHOP OF OXFORD ventured to give an answer to the question of his noble Friend as to the meaning of the word "consecration." Consecration, if regarded as in its legal meaning, was most undoubtedly what the noble Lord had stated—it was only an act done according to the laws of a Christian country, setting apart that building or that portion of land for certain religious purposes. But in a Christian country, in the setting apart of such land or building for religious purposes, there had grown up, he might say, almost from the exercise of Christian instincts, a habit of hallowing the mere legal deed with an act of religious worship. This the minds of the people had been thoroughly accustomed to, and they therefore associated with the word "consecrate" not merely the legal deed which gave validity to the act, but also the religious act which gave a religious character appositely enough to that which is a legal act for a religious purpose. They admitted that there was an evil to be met, and they were quite ready to meet his noble Friend, and provide some mode by which the evil complained of would be obviated. It was an evil where a small addition was to be made to a burial-place that it should be necessary to have a great apparatus to take the Bishop and his officers round the ground, and see that the addition was made to it. All they wanted was to see that in securing the end in view they avoided violating those religious feelings which had grown up around the act of consecration. They proposed, therefore, that the portion added should be subject to the laws, statutes, and canons, to which the rest of the churchyard with which it is incorporated is subject. He could not doubt that his noble Friend would accede to the proposal of the most rev. Prelate. In the meantime the Bill might be read a second time.

THE EARL OF POWIS thought if consecration was to be limited to the interpretation suggested by the noble Earl (the Earl of Ellenborough), it would be better to employ some other words. The Cemetery Acts provided that the ground should be partly consecrated and partly unconse-

crated; because the members of some religious bodies objected to be buried in ground consecrated by a Bishop. But according to the theory of the noble Earl, the whole of the ground was consecrated by the Bishop taking care that it was legally handed over in perpetuity for the purpose of sepulture. It was therefore obvious that not only the Church of England, but other religious bodies in the country, considered consecration to be something more than the noble Earl had described. Of course, it was exceedingly desirable that no danger should exist of ground once used as a burying-place being taken back by the donor; he therefore hoped that after the lapse of a certain time such ground should be held to acquire a Parliamentary title.

LORD REDESDALE said, he was not sure that he took quite the same view of consecration with his right rev. Friend; but he certainly did not adopt the view of the noble Earl. Consecration was recognised by the law in the Acts passed in respect of burial grounds, which directed that one part should be consecrated and the other unconsecrated, and clergymen were precluded from burying in that part of the ground which was unconsecrated. He thought it of considerable importance that the right rev. Bench should have the opportunity of considering the matter, although he believed the Bill in its present shape was preferable to that suggested by the most rev. Prelate (the Bishop of Oxford). But in all these matters it was most desirable that the object proposed should be attained in that form which would secure most general assent. He should therefore move that the debate be adjourned for a fortnight, in order that both Houses of Convocation might have the opportunity of considering the subject.

EARL GREY suggested that it would be more convenient to read the Bill a second time, and take the discussion on going into Committee.

THE EARL OF ELLENBOROUGH observed, that there was a great distinction between an addition to a church and an addition to a churchyard. When a church was consecrated it was not usual to consecrate the foundations only, but a certain extent of land around it; and when an addition was made to the church it was not necessary to consecrate the portion which was added to the former building. Did not the same rule apply to the churchyard?

LORD STANLEY OF ALDERLEY thought it most important that no unnecessary or extraordinary expenses should be incurred in such cases. He therefore collected that the expenses and fees connected with consecration would no longer be required or enforced.

THE ARCHBISHOP OF CANTERBURY said, that much the greater portion of what were called fees of consecration were in fact fees belonging to the conveyance of land.

THE EARL OF DERBY, in reply to the observation that when an extension of a church was made over consecrated ground no new consecration was necessary, said, he understood that where additions were made to the chancel, and also in the case of moving the communion table, though the removal was made from one part of consecrated ground to another, that new consecration was required. If there were any doubt on that point, it was desirable that it should be set at rest.

LORD REDESDALE said, that if the Bill were allowed to be read a second time, he would postpone the Committee on it for some time.

On Question? their Lordships *divided*:—Contents 53; Not-Contents 12: Majority 41.

CONTENTS.

Chelmsford, L. (<i>L. Chancellor.</i>)	Hawarden, V. [<i>Teller.</i>]
Buckingham and Chandos, D.	Leinster, V. (<i>D. Leinster.</i>)
Devonshire, D.	Sydney, V.
Marlborough, D.	Carlisle, Bp.
Richmond, D.	Cork, &c., Bp.
	Down, &c., Bp.
Bristol, M.	Bolton, L.
Townshend, M.	Churston, L.
Airlie, E.	Colville of Culross, L.
Bantry, E.	Delamere, L.
Belmore, E.	Egerton, L.
Cadogan, E.	Feversham, L.
Camperdown, E.	Foley, L.
Dartrey, E.	Heytesbury, L.
Derby, E.	Hylton, L.
Devon, E.	Lyveden, L.
Ellenborough, E.	Monck, L. (<i>V. Monck.</i>)
Graham, E. (<i>D. Montrose.</i>)	Ponsonby, L. (<i>E. Bessborough.</i>)
Grey, E.	Portman, L.
Kimberley, E.	Redesdale, L. [<i>Teller.</i>]
Sandwich, E.	Silchester, L. (<i>E. Longford.</i>)
Shaftesbury, E.	Skelmersdale, L.
Shrewsbury, E.	Stanley of Alderley, L.
Stanhope, E.	Stratheden, L.
Stradbroke, E.	Talbot de Malahide, L.
Tankerville, E.	Taunton, L.
Eversley, V.	Wynford, L.

The Earl of Ellenborough

NOT-CONTENTS.

Canterbury, Archp.	Romney, E.
Bath, M. [<i>Teller.</i>]	Bangor, Bp.
	Chester, Bp.
Doncaster, E. (<i>D. Budeuch and Queensberry.</i>) [<i>Teller.</i>]	Ely, Bp.
	Gloucester and Bristol, Bp.
Home, E.	Llandaff, Bp.
Powis, E.	Oxford, Bp.

Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 6th of June next.

HABEAS CORPUS SUSPENSION
(IRELAND) ACT CONTINUANCE BILL.

NOTICE.

THE EARL OF DERBY said, he proposed that the House should meet for a very few minutes to-morrow for the purpose of receiving a Bill providing for the Suspension of the Habeas Corpus Act in Ireland, which he understood was likely to pass the House of Commons that evening. It was absolutely necessary that no time should be lost in the matter, as the existing law suspending the Act would expire on Saturday the 1st of June. He should move the second reading of the Bill on Monday, and it was desirable it should be passed as soon as possible, inasmuch as, owing to the absence of Her Majesty at Balmoral, a longer period than usual must elapse before the Royal Assent could be obtained.

House adjourned at Six o'clock, till
To-morrow, Three o'clock.

HOUSE OF COMMONS,

Friday, May 24, 1867.

MINUTES.]—SUPPLY—considered in Committee—Class III—Law and Police Revenue Departments.

PUBLIC BILLS—Resolutions in Committee—Vaccination [Gratuities and Expenses]; Tyne Pilotage Act (1865) Amendment.

Ordered—Tyne Pilotage Act (1865) Amendment.*

Committee—Habeas Corpus Suspension (Ireland) Act Continuance (No. 2)* [165]; Bridges (Ireland) (*re-comm.*)* [140].

Report—Habeas Corpus Suspension (Ireland) Act Continuance (No. 2)* [165].

Considered as amended—Pier and Harbour Orders Confirmation* [163].

Third Reading—Habeas Corpus Suspension (Ireland) Act Continuance (No. 2)* [165]; Pier and Harbour Orders Confirmation (No. 2)* [162]; Sale of Land by Auction [*Lords*]* [94], and *passed*.

CLERKS TO JUSTICES.—QUESTION.

MR. COLVILLE said, he would beg to ask the Secretary of State for the Home Department, Why it is that a Return having reference to Fees paid to Clerks to Justices, which was ordered by the House on the 25th of June, 1866, and laid upon the table on the 19th of February last, has not been presented in the tabular form ordered by the House of Commons?

MR. GATHORNE HARDY, in reply, said, the reason why the Returns were not presented in the tabular form was that they had not reached the Department in that state, and there was no staff in the Department to put into shape the documents which were sent. They were consequently presented to the House of Commons in the shape in which they were received.

MR. COLVILLE said, he would take an early opportunity of asking the opinion of the House upon the subject.

IRELAND—HOLYHEAD MAIL PACKETS.
QUESTION.

MAJOR GAVIN said, he rose to ask the Chief Secretary for Ireland, Whether it is true that the four Mail Steamboats of the City of Dublin Company are laid up, and that the Company are obliged to have inferior Packets to undertake the duty?

LORD NAAS, in reply, said, it was quite true that, owing to an accident, caused by fog and other unfortunate circumstances, there had been an interruption in the service for a day and a half last week; but it was fair to the Company to state that for the six years during which they had been performing this service, nearly 10,000 passages had been run by their fine vessels, and until last Saturday not the slightest interruption had occurred.

ROYAL NAVAL RESERVE—SHIPPING
MASTERS.—QUESTION.

MR. LIDDELL said, he wished to ask the Vice President of the Board of Trade, When the amount due to Shipping Masters on account of their services rendered to the "Royal Naval Reserve" during the past year will be paid; and upon what principle the said payments are made?

MR. STEPHEN CAVE said, in reply, that the Shipping Master in Ports where there was a Local Marine Board, and the

Collector of Customs in other Ports were Registrars of the Royal Naval Reserve. For this special service they were paid according to the work done. The amount of this work was represented by marks bearing a money value. For instance—the application for enrolment as a Volunteer, which must be transmitted to the Registrar General of Seamen, was reckoned at ten marks; the payment of a retainer at four marks; the delivery of a certificate, which involved still less trouble, at two marks; and so on. At the end of the year a Return was made by each Registrar showing the amount of work done. The number of marks was then calculated, and payment made accordingly. If there was any small surplus in the sum voted for this purpose in the Navy Estimates it was distributed as an extra gratuity among the Registrars who had exhibited most zeal and accuracy. These payments were made in May or June, according to the time at which the accounts could be made up. Last year gave much extra trouble, as it was the end of the first term of five years for which the Royal Naval Reserve Volunteers were enrolled, but he did not anticipate that there would be much delay in consequence.

MR. LIDDELL said, he wished for some further information as to the amount of extra compensation, if this could be given.

MR. STEPHEN CAVE said, that application had been made to the Treasury for an additional grant of £2,000, but that no definite reply had yet been received.

IRELAND—IMPORTATION OF CATTLE.
QUESTION.

SIR HENRY WINSTON-BARRON said, he wished to ask the Chief Secretary for Ireland, If the Irish Government intend to prohibit the importation of live-stock into Ireland whilst the cattle plague continues in England, and whilst foreign stock are imported into England from infected countries?

LORD NAAS said, in reply, that the importation of live-stock into Ireland had been prohibited for more than a year and a half, with the exception of cattle coming direct from Spain, which had been allowed to be imported under certain restrictions—namely, for immediate slaughter. The Order in Council prohibited their removal from places adjacent to where they were

landed. There was, however, a relaxation in favour of Scotch sheep, because the plague had ceased in Scotland for five months, and large agriculturists in Ireland were anxious to import Scotch sheep with which to stock their farms.

SIR HENRY WINSTON - BARRON said, he must remind the noble Lord that he had not answered the Question, whether Government intend to prohibit the importation of cattle into Ireland?

LORD NAAS said, he had already answered the Question. There was an Order of Council prohibiting the importation of cattle into Ireland, except under the restrictions he had named, and the Government had no intention of altering it.

REPRESENTATION OF THE PEOPLE BILL.—QUESTION.

MR. BAXTER said, he would beg to ask Mr. Chancellor of the Exchequer, if he will proceed with the Franchise Clauses of the Scotch Bill for the Representation of the People in Committee before considering the Re-distribution Clauses in the English Bill?

THE CHANCELLOR OF THE EXCHEQUER: With the exception, Sir, of State exigencies, it is the intention of Her Majesty's Government to proceed with no business whatever until the English Bill has passed through Committee.

ARMY—MILITIA DESERTERS. QUESTION.

MR. OWEN STANLEY said, he would beg to ask the Secretary of State for War, if there is any known instance of a Militia Deserter being sentenced by a General Court Martial to limited or unlimited service in Her Majesty's other Forces under s. 127, 42 *Geo. III. c. 90*; and, if so, the date of such sentence, and the name or number of the Regiment in which such Deserter was sentenced to serve; if s. 13, 16 & 17 *Vict. c. 133*, called the Militia Law Amendment Act, is not the usual Act and Clause under which Deserters from the Militia are sentenced to fine or imprisonment, not exceeding three months in the House of Correction; and, if he does not think it proper to repeal s. 127, 42 *Geo. III. c. 90*, by which the Army is made a penal corps for Militia Deserters?

SIR JOHN PAKINGTON, in reply, said, he had caused inquiry to be made in the War Office if any cases had been re-

corded of sentencing militiamen to service in the army for desertion, and in the limited inquiry it had been only possible to make, no trace could be found of militiamen having been so sentenced. It was difficult to say with accuracy or certainty what had been the operation of the clause that had been in practice for sixty years. With regard to the second part of the Question, his answer was "certainly not," because that part of the Act was repealed by an Act of the 17 & 18 *Vict.*; and in reply to the last part of the Question, he had to state that, considering the course the Government had already intimated with reference to the Militia Reserve Act, and the extraordinary feeling which appeared to exist amongst military men on both sides of the House upon the subject, the best course to pursue would be to repeal the clause.

THE DEAN AND CHAPTER OF WINDSOR AND THE ECCLESIASTICAL COMMISSIONERS.—QUESTION.

SIR MASSEY LOPES said, he wished to ask the Judge Advocate General, whether the Dean and Chapter of Windsor have come to any arrangement with the Ecclesiastical Commissioners for the transference of their Capitular Estates; and, if so, whether he will lay upon the table the scheme showing the terms which have been agreed upon?

MR. MOWBRAY, in reply, said, an arrangement had been come to, and the general terms had been agreed upon. A scheme was now under preparation, but it would not be finally completed before the end of next month.

REV. J. FRASER'S REPORT ON AMERICAN SCHOOLS.—QUESTION.

MR. POWELL said, he would beg to ask the Secretary of State for the Home Department, whether it is proposed to publish without further delay the Report of the Rev. James Fraser on Schools in America and Canada, transmitted by the Commission of Inquiry into Schools in Scotland? He would make a brief statement, and conclude with a Motion for the adjournment of the House. When the Schools Inquiry Commission commenced their inquiries, they sent the Rev. James Fraser to America and Canada to report upon the state of education and the schools in those countries. Mr. Fraser had acted as Assistant Commissioner to

the Commission appointed by the late Duke of Newcastle, and brought to the execution of the duty intrusted to him extensive knowledge of the subject, great zeal, and considerable ability. He had written his Report on the Schools in America and Canada, which, having been sent to the Commission of Inquiry into Schools in Scotland, was transmitted by them to Her Majesty's Government. The people of this country had therefore for the first time in their possession a paper written by a gentleman who, combining great knowledge of the educational institutions of this country with a great desire to introduce into them every possible reform, had by personal visits made himself acquainted with the condition of education in America and Canada. That paper, although sent to Her Majesty's Government, had not been printed and circulated; and he had therefore to ask the right hon. Gentleman the Home Secretary, whether it is proposed to publish without further delay the Report of the Rev. James Fraser on the Schools of America and Canada? He would beg to move the adjournment of the House.

MR. GATHORNE HARDY said, he had not been able to make out what had become of Mr. Fraser's Report. In consequence of the Notice of the hon. Gentleman, and of the mention of the Paper in the Report of the Commission of Inquiry into Schools in Scotland, he had made inquiries at the Home Office, where he was informed that the Rev. Mr. Fraser's Report had been presented to that House, and that no copy of it had been kept at the Home Office. He then inquired in the Library of the House, and found that there was no copy of it there. Consequently, he telegraphed that morning to the Lord Advocate, by whom he was informed that the Report had been published in London, and that only a few copies of it had been sent to Scotland. He confessed he could not understand how it was that the document had not been commented on in the Report of the Scotch Commission in the mode it was presented to that House with that Report. He would, however, make further inquiries on the subject.

Motion, by leave, *withdrawn*.

CASE OF FULFORD AND WELLSTEAD.

QUESTION.

SIR ROUNDELL PALMER said, he would beg to ask the Secretary of State

for the Home Department, Whether his attention has been directed to the case of two young men, named Henry Fulford and Mark Wellstead, who were convicted of night poaching in March last by a bench of Wiltshire Magistrates, upon the evidence of a single witness, contradicted by other testimony, and who have since been exonerated by the confessions of two other men, who have acknowledged themselves to be the persons really guilty of the offence; and, whether it is true that the sentences of imprisonment pronounced upon them have nevertheless been carried into effect, and that one of them (Mark Wellstead), is still in gaol?

MR. GATHORNE HARDY said, in reply, that he had made inquiries into this subject, and he found that an application was made a short time ago by a gentleman named Paine, to the Home Department, and in consequence of that application and the documents which accompanied it, the matter was referred to the committing magistrates. No Report from the magistrates had reached the Home Office, but a letter had been received in which one of the magistrates impugned a certain portion of Mr. Paine's statement. He had thought it better to wait until both the magistrates engaged in the case had made their Report. Fulford—one of the men convicted—had been discharged, having served his time. The other prisoner was still in prison. The inquiry would be prosecuted as speedily as possible.

METROPOLIS—CHELSEA HOSPITAL GARDENS.—QUESTION.

MR. LABOUCHERE said, he wished to ask the First Commissioner of Public Works, Whether, in accordance with the wishes of the inhabitants of Chelsea, a larger number of gates leading into the inner and outer Gardens of Chelsea Hospital can be left open during the day time; whether the inner Garden can remain open as long as the outer Garden; and, whether a greater number of benches can be erected in both Gardens for the use of those who frequent them?

LORD JOHN MANNERS said, in reply, that as no communication had been made to him by the inhabitants of Chelsea on the subject he was not prepared to say that any more gates were required to be opened for their accommodation. The inner garden was in immediate proximity to the Hospital, and it was necessary for the

comfort and accommodation of the inmates of the Hospital that the inner garden should be closed at an earlier period than the outer gardens. He therefore did not think it would be right or proper to keep the inner gates open for a longer period than at present adopted. No report had been made to him that the number of benches was insufficient. If the hon. Gentleman would point out where there was a deficiency, no doubt steps would be taken to supply what were wanted.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

INDIA—THE MAHARAJAH OF MYSORE.
OBSERVATIONS.

LORD WILLIAM HAY said, he rose to call attention to the Despatch of the Secretary of State for India relative to the claims of the Maharajah of Mysore. He should not think of occupying the time of the House with this subject did he not believe that it was one which deserved an ample discussion. The case was one which had attracted much attention both in England and in India. Nor was that a cause of surprise when it was remembered that the district in question was one of the largest and most valuable in India, that it was situated in the most important part of that Empire, and that it was, on the whole, the most agreeable place of residence in our Eastern dominions. But the real importance of the case lay in the fact that it was the first seriously affecting the interests of the Chiefs and the people of India which had been brought prominently under the notice of the House since the transfer of the Government of India from the East India Company to the Crown. The progress of the case was watched in India with the most intense interest, because the Natives naturally and properly believed that its treatment might be taken as a specimen of the manner in which the House of Commons were prepared to deal with cases of a similar nature, and also of the willingness or otherwise of the House to supervise, and, where necessary, to criticize that branch of the Executive which controlled our dominions in the East. In the debates which took place at the time when the transfer of the Government was proposed, there were not wanting prophets

Lord John Manners

who predicted much evil from that proposal. They alleged that the Government of the day would be exposed to party and captious Motions, and that much injury would result to our interests in India from such proceedings. Those predictions had not been fulfilled. No Motion, characterized by any feeling of that kind, had, since the change referred to, been made in the House. At any rate, he disclaimed being actuated by any feeling of the sort. He simply desired to contribute in a small degree to the knowledge of the House on an important and complicated subject. But there was one thing which was even worse than a discussion arising from a Motion brought forward in a spirit of party. That was no discussion at all. It was almost impossible to persuade the people of India that the House of Commons was really interested in Indian questions if it did not take into consideration a case of such importance as this, relating to a country as large as Scotland, with a population of 4,000,000 and a revenue of £1,000,000 a year—a country which had been called "the apple of the eye" of our Indian Empire. In the year 1799 the allied forces of the Nizam of Hyderabad and the British effected the conquest of Mysore. The arrangements necessary for the disposal of this large country were carried out by means of two treaties—namely, the Partition Treaty and the Subsidiary Treaty. By the Partition Treaty, to which the Nizam and the British alone were parties, the territory of Mysore was divided into four portions—one was assigned in perpetuity to the Peishwa, the head of the Mahrattas, a second in perpetuity to the Nizam of Hyderabad, a third portion in perpetuity to the British, while the remainder was formed into a separate Government, at the head of which was placed the descendant of the old Hindoo family of Mysore. The object of this treaty was to define the external or political arrangements rendered necessary by the conquest of Mysore. To the Subsidiary Treaty, on the other hand, the British and the Rajah of Mysore alone were parties. Its object was to define the internal or domestic relations which should subsist between the contracting parties. Under its terms the British Government reserved to itself a complete right to interfere in the internal administration of the country in case of misrule, or apprehended loss of the subsidy which the Rajah had agreed to pay for certain

troops to be employed in the protection of his country. In 1832 the British Government were compelled to take advantage of these clauses in the Subsidiary Treaty, and from that time to the present the administration of Mysore had been in the hands of the British. Since that time the Rajah had never ceased to make applications for the restoration of the administration of his country. These applications had come before almost every Governor General since 1832. That distinguished statesman, Lord Dalhousie, investigated the question with the utmost care, but arrived at the conclusion that it was impossible to reinstate the Rajah. He also pointed out that the treaty by virtue of which the Rajah sat upon his throne was a personal one, and that therefore the county of Mysore would on his death lapse to those who ceded it, and he recommended that it should be treated as a lapse. The question of the re-instatement of the Rajah had been set at rest for ever, while Lord Dalhousie's view of the personal, as opposed to the dynastic character of the Mysore Treaties, had been held by every succeeding Governor General and Secretary of State. It was held by Lord Canning, by Sir John Lawrence, by Lord Halifax (then Sir Charles Wood), and notably by the noble Lord (Viscount Cranborne), who said only the other day—

"I must therefore express most emphatically the opinion of Her Majesty's Government that the rights conferred on the Rajah terminated with his life."

And here he wished to direct attention to a passage in a Minute by one of the Members of the Council, Sir Erskine Perry, in which he drew attention to the fact that the noble Lord just referred to, shortly after taking office, wrote a despatch to the secret department ordering that on the death of the Rajah no steps should be taken for the annexation of Mysore, and he went on to say that the transmission of that despatch was of doubtful legality. With regard to this point, he should only say, as he saw the noble Lord in his place, that if it were so, then it was most desirable that the Secretary of State should be vested with the power to act in the manner referred to as soon as possible. The noble Lord went on to say that the kingdom of Mysore should not be annexed on the death of the Rajah. He entirely agreed with the noble Lord upon that point, and if the

despatch of the right hon. Gentleman (Sir Stafford Northcote) had been written upon the basis of his (Viscount Cranborne's) speech, he should not have troubled the House with any remarks on the subject. But the despatch differed from it in several points, one of which was most material. His chief complaint against it was its ambiguity. The reason why this case had given so much trouble was the difference of opinion which prevailed as to whether the treaty was a personal one or not, and the great merit of the noble Lord's decision was that it disposed of this question once and for all. The despatch commenced in language which implied that the decision of Her Majesty's present Government was not in opposition to the decision of the late Government. In the second place, it left the question of the personal character of the treaty an open question still. In the third place, it made no allusion to a very important point—namely, the rights of the Nizam under the Partition Treaty, which in his opinion could not be overlooked, especially on the assumption that it was a personal one, and that the country would consequently revert to those who had originally ceded it. Lastly, the despatch went on to say, with regard to the future disposal of the country, that—

"In the case of the young Prince not having attained the age which you, on consideration, may fix for his majority, the territory shall continue to be governed in his name on the same principles and under the same regulations as at the present time,"

but failed to state what those principles and regulations were. With regard to the decision of the present Government not being a reversal of the decision of the late Government, he was ready to admit that literally and technically the language of Lord Halifax did not convey the meaning of annexation. But it was known perfectly well that the decision was taken both in England and India to mean annexation pure and simple. The Members of the Council proceeded upon that supposition, and in the petition presented by the hon. Member for Westminster the following passage occurred:—

"Your petitioners have observed with regret and anxiety from the papers relating to Mysore ordered to be printed by your honourable House on the 13th of March, 1866, that the Government of India has resolved upon the extinction of the native State of Mysore and the annexation of its territories to those of the Crown on the demise of the present aged Rajah."

It was not fair, therefore, to say that the decision of the late Government did not mean annexation on the death of the Rajah, because he felt quite assured that if it did not Lord Halifax would have removed the mischievous impression which so great a misapprehension could not fail to produce. But, after all, this was a comparatively unimportant point. The important point was the omission from the despatch of any opinion as to the interpretation put upon the Mysore Treaties by the Secretary of State. Sir Henry Russell, who was examined before the Select Committee of the House appointed in 1832 to inquire as to the renewal of the Charter, was asked what he thought of the treaties? His reply was—

“It might be said that we had contracted engagements as if they were never to be fulfilled, and had fulfilled them as if they had never been contracted.”

Now the Secretary of State for India seemed bent upon establishing the truth of this imputation. In his despatch he hardly alluded to the Partition or Subsidiary Treaty. All he condescended to say was that—

“Without entering into a minute examination of the Treaties of 1799, Her Majesty’s Government recognises,”

and so on. But the whole case turned on the proper construction of those treaties. The Partition Treaty either did or did not convey the idea of hereditary succession. If it did, it was clear that on the death of the Rajah the country of Mysore would be at our disposal. If it did not, we had no option but to recognise the son adopted by the Rajah. It might be said, and it had been said, that Lord Canning’s adoption despatch excluded the Rajah of Mysore from its operation. But Lord Canning had no power to exclude any Rajah. What Lord Canning’s adoption despatch laid down was this:—That the Paramount Power had no right to refuse its recognition of an adopted son where succession by heirs of the body was contemplated. On the assumption that rights of succession were not contemplated it was quite clear a son’s claim would be invalid, and an adopted son’s equally so. That the Rajah’s sovereign rights were in abeyance in consequence of our having taken the administration of the country in 1832 was no reason at all for excluding the Rajah from the benefits of the adoptive despatch. Lord Canning himself had re-

cognised the right of the Rajah to bequeath his country to the British. It was absurd to say that he had not an equal right to bequeath it to an adopted son. He was aware that others whose opinions were valuable took a different view of the case. He was surrounded by Gentlemen who thought that to hold to the personal character of the treaty was, in the words of the petition already referred to, alike unjust and indefensible. Many Members of the Council were of the same mind. That was the view of the whole press of India, with the exception of the *Friend of India*, published at Calcutta. The other day he read in the *Bombay Times* an article commenting on the speech of the noble Lord (Viscount Cranborne) in the most flattering terms. But the writer, in language Oriental in its imagery, regretted extremely that the noble Lord had taken into his hand that battle-axe of wrong—the personal character of the treaty. With a vast array of authorities on one side, and an almost equal number on the other, we had the despatch of the right hon. Gentleman (Sir Stafford Northcote) expressing no opinion whatever on this important point, but leaving it as much open as ever it was. What was extremely injurious to our interests was that those who opposed the personal view of the case had no hesitation in saying that those who held it had been actuated by sinister motives—that was to say, they desired to appropriate the country, which they had no title to. They went even further than that. Sir Frederick Currie, one of the Members of the Council, said that the despatch of Lord Halifax did not contain a fair epitome of the correspondence with the Home authorities. Captain Eastwick used stronger language, and said—

“Every one who carefully examines those relations cannot fail to observe that such recapitulation is anything but the fair representation of the case it professes to relate. It consists of all that can be extracted from the records that bears against the Rajah’s claims, and withholds much that tells in their favour.”

Or, in plain English, that with all the information before him Lord Halifax had given a garbled and inaccurate statement of the case to suit his own view of the case. No one, of course, could believe that in this country. But Sir Frederick Currie and Captain Eastwick were equally eminent statesmen in India. If he had nothing to say in support of the personal character of the treaty beyond that which had been already advanced by the noble Lord (Viscount

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Cranborne) he would not occupy the time of the House, because he was not so vain as to imagine that arguments which had failed of their end when uttered by the noble Lord would derive additional weight from his lips. But, in the course of his inquiries, he had come across some interesting and valuable evidence, which set the point at rest for ever. In the papers which were bequeathed to this country by the late Lord Wellesley, to be seen in the British Museum, he found a collection of the draughts of the original partition and subsidiary treaties. Of the Partition Treaty there were two original drafts. Lord Wellesley, who was at Madras in 1799, appointed five Commissioners to carry on the negotiations arising out of the conquest of Mysore. These Commissioners were his brother Arthur, who afterwards became Duke of Wellington; his brother Henry, who became Lord Cowley; Colonel Close, Colonel Kirkpatrick, and General Harris, the Commander-in-Chief of the Forces. Lord Wellesley kept himself in continual communication with them collectively and individually. One draft was evidently in the handwriting of Colonel Kirkpatrick, the other apparently in that of Lord Wellesley. Neither of the two drafts was eventually adopted. Clauses were taken out of each, and these were moulded into the treaty as it now stands. Nothing, indeed, was more remarkable than the number of alterations which appear on the face of these drafts, showing the care bestowed by Lord Wellesley on the wording of the treaties which he negotiated with Native Princes. In the draft, which is ascribed to Colonel Kirkpatrick, the fifth article was in this wise—

"The contracting parties mutually and severally agree that the districts specified in Schedule C, hereunto annexed, shall be ceded to the said *and his heirs for ever*, and shall form the separate Government of Mysore."

In the margin, immediately opposite to the line containing the words "and his heirs for ever," which were struck out with both pen and pencil, there was written in pencil, "This is unnecessary and dangerous." In the fair copy of this draft, the marginal note is as follows:—"This clause approved with the omission of the words struck through with the pen," and this note was signed with the initial "M." for "Mornington." In the same draft there was a still more remarkable clause, the object of which was to guarantee to the Rajah of Mysore his possessions ex-

actly on the same terms as those which had been assigned to the Peishwa, to the Nizam, and to the British. The clause was in these words—

"Whereas it is expedient and necessary that should be secured in the possession of the territories assigned to him by the fourth article of the treaty, the said contracting parties do mutually stipulate and agree that the districts and territories hereinbefore granted assigned to by the fourth and fifth articles of the present treaty shall be guaranteed to the said by the contracting parties mutually and respectively in the same manner as if the said had been a party to this treaty."

Colonel Kirkpatrick pointed out that if this clause were allowed to remain the Rajah would be placed in the same position with regard to heirs and successors as the Nizam and the Peishwa: the instructions of Lord Wellesley were to leave out this clause altogether. The original draft of the Subsidiary Treaty, also in the Museum, began in this way—

"This treaty is concluded by and shall be binding upon the contracting parties, *their heirs and successors*, as long as the sun and moon shall endure."

The words "their heirs and successors" were struck out, leaving the words "as long as the sun and moon shall endure." He had seen it stated in some papers, that these words of Eastern metaphor alone conveyed the idea of succession. But he would ask was it at all probable that Lord Wellesley, who took such pains to exclude every word likely to convey that idea, would have allowed the words to remain, if they conveyed either to his mind or that of any other person the idea of succession? Having had much experience of these documents, he had no hesitation in saying that the words were just as much matters of form as the expression, "Your humble and obedient servant" at the end of a letter. There was a still more curious piece of evidence on this point in the *Supplementary Despatches of the Duke of Wellington*. In 1801 a member of the reigning family of Mysore set up a claim to be nearer the direct line to the Crown. His claim attracted some attention, he living in Madras, and did some mischief. Arthur Wellesley wrote to his brother Henry for his opinion. Henry Wellesley went into the matter with great care, and pointed out, first, that the claimant was not nearer the direct line; and second, it would not signify if he were, because the treaty said that descendants could not be heirs of the Rajah. Then he added these significant words—

"Even at the death of the present Rajah it is in the power of the British Government to make any change in the form of the Government of Mysore."

Clearly showing that the treaty was understood as conferring no right of heritable succession, but came to an end at the death of the Rajah. What became, then, of such bold assertions as these? Sir Frederick Currie said—

"I am satisfied that it may be proved to demonstration that the Marquess Wellesley did not consider the cession to the Maharajah in the light of a mere life grant."

And Captain Eastwick added that there was in the correspondence "no trace of any intention to make it merely a personal treaty or to provide for the lapse of the country to the British Government." How much more truly did Lord Dalhousie interpret Lord Wellesley's intentions and motives when omitting all mention of "heirs and successors" in certain treaties? In writing upon the case of Azeem Dowla, which was precisely similar to this, he expressed himself thus—

"Lord Wellesley was not a man who did things without a reason. When, therefore, Lord Wellesley, while negotiating treaties with the Nawabs of Oude, their heirs and successors, is found negotiating a treaty with the Nawab Azeem Dowla, and omitting all mention in it of heirs and successors, it is very certain that Lord Wellesley did not intend to extend the provisions of the treaty beyond the life of Azeem Dowla."

Considering that this was written in India, without any knowledge of the existence of these papers, a more remarkable instance of statesmanlike sagacity can scarcely be imagined. The fact was that the establishment of this Rajah was an experimental measure, and the question as to what should be done with Mysore in the event of his death was left open for future settlement. The Rajah was perfectly well aware of this. Indeed, his conduct could not be explained on any other assumption. He always said that he should be the last Rajah of Mysore, and he caused it to be intimated to Lord Canning that he wished to bequeath his country to the British Government. Would he be likely to do this if he thought that he could leave the country to an adopted son, or to a distant relative, or even to one of his own clan? Of course, this intimation was a mere Oriental device for securing from Lord Canning the recognition of a right which the Rajah knew very well he did not possess. It might be urged that the Rajah was very young when the treaty was ex-

ecuted. But his first Minister, the Brahmin Poorneah, was well informed of everything that passed at the time of the Mysore settlement. Lord Wellesley writes—

"After an ample discussion with the Commissioners who had communicated the whole arrangement to the Brahmin Poorneah and conciliated his co-operation, and after the adoption of several alterations, the subsidiary treaty was formally executed on the 8th July."

Another question of considerable moment was connected with that of the personal or dynastic character of these treaties, which had not been noticed at all in the despatch in question. He alluded to the Nizam's rights under the Partition Treaty with respect to the territory assigned to the Rajah. When the Rajah of Mysore heard that his territory was to be annexed on his death he pointed out that the Nizam had a right to be considered, inasmuch as he had received his territory originally from the British Government and the Nizam together. Sir John Lawrence had stated two reasons why this claim was not tenable. First, he said that the Nizam was a dependent power in 1799, when the treaty was made. He had ceded all his rights south of the Nerbudda, and he had never advanced any such claim as that which the Rajah now urged on his behalf. None of these reasons would stand examination. Even if the Nizam had been in a dependent position in 1799, that could be no argument against the justice of his claims. The Nizam's power then was certainly small compared with our own. It was clear, nevertheless, that Lord Wellesley was most anxious to obtain his alliance. The Nizam's country lay between us and the Mahrattas. It served as a "political buffer" between us and that great Power. Therefore Lord Wellesley took every pains to secure the Nizam's good will and support. The second reason assigned by Sir John Lawrence was still more extraordinary. He said that the Nizam "ceded" his reversionary rights under the Mysore treaties when he yielded. But, as a matter of fact, the Nizam did not cede anything. He only assigned, in lieu of a large subsidy, certain territories south of the Toombuddra, which he had agreed to pay to the British Government for the support of a subsidiary force. Then Sir John Lawrence asks why the Nizam had allowed his claim to remain in abeyance for sixty-five years? But he appears to have forgotten the question was one which would not properly arise until

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the death of the Rajah. Considerable light was thrown upon the subject by the M.S.S. papers in the British Museum, to which he had already referred. Before the negotiations relating to the disposal of the Mysore territory were completed, it came to the notice of Lord Wellesley that the Peishwa refused to accept the portion assigned to him. It became necessary to decide what should be done with this tract; and accordingly Lord Wellesley instructed Colonel Kirkpatrick to frame a suitable clause with the above object. This was done, and the following explanatory note, in the handwriting of Colonel Kirkpatrick, appears on the margin:—

“As the Rajah of Mysore would have no just pretensions to participate in the reserved Mahratta share, the districts comprising it would naturally revert to the Powers who alone had the right of tendering them, and it would be reasonable that the Company and the Nizam should divide these equally.”

Lord Wellesley agreed to the view here taken of the respective rights of the Rajah and the Nizam; and in order to show his anxiety to conciliate the Nizam he gave two-thirds of these districts to him, and reserved only one-third to the British Government. There was nothing which showed conclusively that we ought to consult the Nizam as to our intention of dealing with Mysore after the death of the present Rajah. But the Nizam ought not to be treated in the cavalier way in which he had been treated. Another point of importance was the arrangements made for the future government of Mysore. He entirely agreed with the Secretary of State as to the education of the young Prince. But what he did not quite understand was, what he intended to convey by the expression, that the country should continue to be governed in his (the Rajah's) name “on the same principles as at present.” In this connection it was necessary to say a word or two about the subsidiary ally system established by Lord Wellesley. The object of that system was to maintain, if possible, Native chiefs in possession of their States, and at the same time to protect effectually the subjects of these rulers. The system, in its modified and improved form, was much criticized at the time. In 1832, when the Select Committee sat upon the foreign affairs of India, the advantages and disadvantages of the system formed the staple of its inquiry. The conclusion seemed to be that in some of the States the system answered well, and in others it was

not so satisfactory. But several witnesses argued that it was as good a plan as could have been devised at the time. Mr. James Mill, the historian, condemned it in the most unmeasured terms, and said—

“This Rajah was a species of screen put up to hide at once from Indian and European eyes the extent of aggrandizement which the British territory had received; and it so far answered the purpose that, though an obvious, it undoubtedly deserves the praise of an adroit and well-timed political expedient.”

This was a harsh judgment, as it was clear from a most valuable paper which he regretted was not published among the Wellesley papers—a despatch addressed by Lord Wellesley to the first Minister appointed to the Rajah of Mysore. It was in these terms—

“The conduct of the Rajah's Ministers must be constantly superintended, with a view not only to the punctual realization of the subsidy and the improvement of the resources of the country, but to the prevention of any necessity on the part of the Company to assume charge of the country—an extremity to which it is on many accounts to be wished they may never be reduced.”

These instructions, with regard to the advisability of maintaining Native rule, were confirmed in their strictest sense by the East India Company, who wrote repeatedly to the Government of India enjoining them not to introduce a system of government which could not be worked hereafter by Native agency when the country should be restored to the Rajah. As long as Sir Mark Cubbon remained Commissioner of Mysore, the Government of that country was carried on upon those principles. But in 1862 the Government was entirely re-organized, and what was known as the “regulation system,” which prevailed in our own territories, was introduced. In illustration of the change thus effected, he might mention that, whereas the yearly salaries paid to Europeans before the new system was introduced amounted to about £18,000, they amounted now to about £80,000. The principles and regulations which existed at present, and which were what might be called the British system, could not be administered by a Native ruler. It was contrary to all Indian experience to suppose that they could. Besides, it should be borne in mind that for thirty-five years the country was under the old system. For five years it was under the new. It must be ten years more before it could be handed over to the Rajah. So that fifty years must have elapsed before the experiment could be put to the proof.

The inference to be drawn was that it was not sufficient to educate this Rajah so as to make him a good man. The system must be changed so that the Rajah might be able to rule, and the people to accept his Government. And now he would say a few words with respect to the "annexation policy." What made our rule unpopular in India was not that we removed Princes from their thrones, for the feeling of attachment to Princes was not very strong in that country. There was hardly a dynasty in India, excepting in the Rajput States of Central India, and among some of the hill tribes of the Himalayas, older than our own. The most popular Government in India had been a Native Government supervised by Europeans, such as that of Mysore under Sir Mark Cubbon, Nagpore under Sir Richard Jenkins, and Travancore under Sir Thomas Munro. But the annexation policy, or in other words the further extension of our rule, was unpopular, because it was always followed by a practical exclusion of the Natives from appointments of emolument, trust, or importance. The evil of this had been pointed out by every statesman of distinction from the earliest time, whether annexationist or not. If we educated Natives, stimulated them in every way, and then refused to reward them in the only way in which they could be rewarded, the only result would be to create a spirit of dissatisfaction. The opinion of Colonel Wilks, the historian of Mysore, on this subject, was very interesting—

"The settlement of Mysore by Lord Wellesley was distinguished from all preceding measures of British policy, was quoted with applause in the remotest parts of India, and was acknowledged gratefully by the people to be governed."

And why? Colonel Wilks proceeded to add, because

"It left every office, civil and military, to be filled by the Natives themselves."

What he wished to impress upon the House was that we must revert to the system established by Lord Wellesley, and confirmed by the Court of Directors, if we really desired to restore Mysore to Native rule. He had troubled the House at great length, and begged to apologize. He wished to point out that, in dealing with the Mysore case, what was wanted was a sound, intelligible basis for our future negotiations. That basis was provided by Lord Wellesley when he made the treaty a personal one with the Rajah. It would be political folly to let an opportunity so fa-

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vourable to pass by without taking advantage of it. In the next place, he had endeavoured to show that the Nizam had not received all the consideration at our hands which he deserved as an old and faithful ally. In the last place, he had urged that, if we wished to inspire in the minds of the people of India a belief in our sincerity with respect to a change of policy since the transfer of the Government of India from the Company to the Crown, we must do more than add to our list of Royal pensioners—something more than continue to govern Mysore "on the same principles and under the same regulations as at present"—we must strive to make Mysore the very type and exemplar of what a Native State should be, and that could be accomplished in one way only; namely, by a more liberal employment of Natives in the administration of the country. If we pursued a policy so advantageous in itself, and so worthy of this country, we should succeed in establishing in Mysore a Government exclusively administered by Natives, and thus do more than had been done for the last fifty years to reconcile the Natives of India to our rule.

MR. SMOLLETT said, he would not advert like the noble Lord to what might have been the secret intentions of Lord Wellesley in 1799, when he had made this treaty. But he would at once say that the despatch of the right hon. Baronet (Sir Stafford Northcote) was one of the most honest and straightforward that had emanated from the India Office for many years. In order to estimate that despatch at its proper value, it should not be forgotten that it related to the disposal of a territory worth £1,000,000 a year, the seizure of which had been a favourite scheme with almost all the functionaries of British India for the last twenty-five years. No doubt, the despatch which had been brought under the consideration of the House was not altogether in accordance with the sentiments which were expressed by the noble Lord (Viscount Cranborne), in February last. The despatch did not repudiate in stern language the unscrupulous scheme of annexing Mysore, which had been entertained in India. Perhaps in an official despatch it was well not to advert to that subject. It did in plain language state substantially that the obligations which were undertaken in 1799, and which had existed for sixty-eight years, should not be terminated on the death of the present Rajah. It was Her Majesty's will

and pleasure that those engagements should be held inviolate at least until the successor of the present Rajah had attained his majority. That was the sum and substance of the despatch, and he had no doubt the right hon. Baronet would adhere to it however he might be obstructed in this country or in India. He had never advocated the cause of any Native Prince on any other principles than those of justice. It was in the interests of justice that he had advocated the cause of the Prince of the Carnatic, who was plundered by Lord Dalhousie and Lord Harris. It was on the same principles that he advocated the cause of the Rajah of Mysore. At the end of 1858 Her Most Gracious Majesty assumed the direct sovereignty of India. In a Royal Proclamation, published on that occasion, Her Majesty stated that the "era of annexation was at an end;" that Her Majesty did not covet the possession of territories which were not Her own. Her own were already sufficiently extensive. It was added that all treaty obligations which existed and which had been created by the East India Company should by Her Majesty be inviolably observed. The Prince of Mysore claimed a dynastic right to his territories by the Treaties of 1799. If those treaties manifestly—not by insinuations or pencil marks—were purely personal—if they provided that Mysore should lapse to the East India Company or the British Government at the death of the present incumbent, the Rajah's pretensions were, of course, not worth a rush, and his little principality might at his death be properly annexed. If, however, as he (Mr. Smollett) believed, they were intended to confer perpetual sovereignty, annexation would be universally and rightly regarded in India as a flagrant violation of the Royal promise, and as a gross breach of public faith. During the dark reign of Lord Dalhousie, who avowed that annexation was the keystone of his policy, and lost no opportunity of carrying it out, the universal impression was that Mysore would prove an escheat to the British Government. Not because that was the correct interpretation of the treaties, but because the Rajah was stricken in years, and had no legitimate male issue, and because Lord Dalhousie had set his face against adoption of heirs by Native Princes. When, however, the authority of the Crown and a better policy were introduced, the Indian Princes took heart. A letter was sent to them, in

1859, by Lord Canning, conceding the right of adoption. That circular was not sent to the Rajah of Mysore—a very "artful dodge" on the part of Lord Canning, for he (Mr. Smollett) denied that Lord Canning ever argued that the territory of Mysore lapsed to us at its Sovereign's death. But what reason did Lord Canning assign for that omission? In writing to England he repeatedly stated the reason to be that the Rajah was not at that time in independent and actual possession of Mysore, his territories being held by us under trust and administered on his behalf. His Lordship constantly represented, moreover, that the Rajah had no wish to adopt an heir, and that it was not necessary to press such adoption on him, it being his intention to bequeath us the country in perpetuity by will. Now, his Lordship was a very astute nobleman, and must have known that if the treaties gave us the reversion, whether the Rajah had a family or not, he was not competent to dispose of the country by will. Unfortunately, the notion that the Rajah would not adopt, and that he was going to make a will in favour of the British Government, had turned out to be a mere delusion. The Rajah had not made a will, but had made an adoption among his kith and kin of a male child as his heir, and had intimated that fact to Sir John Lawrence. This intimation had placed the Governor General in a corner. Sir John Lawrence then bethought himself of an argument which had well served Lord Dalhousie on several occasions. He fell back on the assertion that these treaties were personal treaties, and he insisted that he would not acknowledge the adoption with regard to Mysore. Sir John Lawrence, in fact, declared that the Rajah was a mere puppet, that he had been put into Mysore as a warming pan to enable the Government to succeed more easily at a future time, and no doubt he considered that the Rajah had kept us out of our reversion a great deal too long. The Rajah, on his part, protested against these doctrines, and there being this dispute as to the interpretation of the treaty, who was to decide? He protested against the notion that the Governor General, who was often a man of narrow mind and arbitrary opinions, should issue his fiat in such a case, even though it were backed by a crotchety Secretary of State. It was clearly a legal question and ought to be determined by an impartial

judicial tribunal. Her Majesty's gracious promise to maintain treaties was not fulfilled by allowing a Governor General and Secretary of State to give a final decision as regards their legal construction. At present, happily, no contention existed. The right hon. Baronet (Sir Stafford Northcote) decided that the territory should not be annexed, and that when the adopted heir came into possession the treaty should be revised, with the consent, he presumed, of the young Prince. As for the Minutes of the Members of the Indian Council, he had found only one of them worth reading. That was the production of Sir Frederick Currie, who approached the subject judicially, and who approved the decision of the right hon. Baronet as the only measure consistent with sound policy and good faith. Sir Frederick Currie held that the treaty was dynastic, and conveyed the right of perpetual sovereignty. But six Members of the Council had recommended that Lord Dalhousie's policy of annexation should be acted on in this case. If they could give no better advice than that, the sooner the right hon. Baronet got quit of such counsellors the better. The only argument he could discover in favour of this view was that advanced by Sir James Hogg, that interests had sprung up in Mysore which would be endangered if it remained independent. With regard to the wishes of the Natives, his opinion was that if a *plébiscite* were taken in Mysore—if there were a mob election, such as we were coming to very fast in this country—999 out of 1,000 of the population would vote for the continuance of the Native dynasty in preference to the East Indian Government. The rights of the Natives in the soil, their religious rites, their claims to their pagodas and shrines, were maintained with far greater honour and security in Native than in European States. He (Mr. Smollett) entirely concurred in the opinions expressed by the noble Lord the Member for Taunton, that Mysore should be administered as far as possible after the manner of Native States. A gentleman long connected with Mysore had a day or two ago informed him that a penal code had been introduced into that country. One of the articles of that code was that adultery committed without the consent or connivance of the husband was punishable with fine and five years' imprisonment. He could only say that if this code had been in operation when he first went to India he very much feared that the East India Com-

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pany would have required ten times as many civil servants as it possessed, and that the gaols would have been full of of them. This was as absurd a law as the law now obsolete in Scotland, under which adultery was punishable with death. He saw a case recently argued by the hon. and learned Member for Wigton (Mr. G. Young) in which he brought forward this law, and Lord Deas remarked that if it were put in force the population would be decimated. There might be European interests involved. He believed that the successful result of the claims of the Rajah of Mysore had been principally owing to the exertions of European gentlemen who had obtained large personal holdings in Mysore, and who preferred living under a Native Prince to being incorporated with British territory. The opinion of Sir Mark Cubbon was entitled to great weight. Sir Mark long governed Mysore. He raised the revenue of that territory to £1,000,000 per annum. The expenses under his management, including all the charges of the Government, were £400,000 per annum. Since he resigned the superintendence of Mysore the revenue had risen to £1,040,000 per annum, but the expenses had increased under European management by £170,000 per annum. Sir Mark supported the annexation policy of Lord Dalhousie as long as it was declared to be the law and was supported by the English Ministry; but when he saw that annexation was disowned by Her Majesty's Proclamation to the Princes and people of India, Sir Mark Cubbon from that date stated his belief that there was not a shadow of a pretext for preventing the adoption of a heir to Mysore, or against continuing that heir on the throne of that kingdom.

SIR HENRY RAWLINSON said, that no one would dispute the incongruity pointed out by the noble Lord (Lord William Hay) between the statement addressed to the House by the noble Lord (Viscount Cranborne) and the despatch lately sent out by the right hon. Gentleman (Sir Stafford Northcote), a copy of which had been recently laid upon the table. But so far from considering that incongruity a matter of regret and censure, he regarded it as a matter of congratulation. The question raised by the noble Lord the Member for Taunton (Lord William Hay), referred specially to the personal character of the particular treaty. The result arrived at in the elaborate speech of

the noble Lord (Viscount Cranborne) on a former occasion was the continuance of the Rajah in the person of his adopted son. But it must not be understood from the silence of hon. Members on that occasion that they were prepared to accept all his arguments. He (Sir Henry Rawlinson) thought them very inconclusive, and his opinions had not been changed by the subsequent evidence which had been brought forward. The noble Lord referred to the fact that in the Partition Treaty there was a clause containing the words "for ever," while the clause relating to the Rajah himself contained no such proviso. The noble Lord (Lord William Hay) supplemented this by saying that in the original treaty there was a marginal note stating that the introduction of the words "heirs and successors" was unnecessary and dangerous. His view was that the parties who drafted the treaty and prepared to execute it, arranged at the time that there should be two treaties—a partition treaty and a subsidiary treaty, the latter being provided for in the Partition Treaty. The Partition Treaty was a perpetual treaty, binding on heirs and successors. The subsidiary treaty was a personal treaty. In the Partition Treaty the words "heirs and successors" were specially mentioned. If there had been a proviso that the Rajah's heirs and successors were subject to the provisions of the treaty as it stood in the first draft, there would have been no possibility of modifying the arrangements for Government Administration at any subsequent period. It was also unnecessary, because the fact of hereditary succession was patent in itself, and there was no use in introducing the words "heirs and successors." That that was really the view taken of it at the time was shown by many other proofs. If hon. Gentlemen read the Minutes placed on record by the various Members of Council, they would see abundant evidence to that effect. They would see that the Marquess of Wellesley and the Duke of Wellington in their despatches of the period constantly spoke of the restoration of the dynasty of Mysore, and, further, of the restoration of the Rajah as the representative of the ancient family who was then placed on the throne of his ancestors. The very circumstances of the ceremonial attending the installation of the Rajah, when Lord Harris on the one hand and Meer Alum on the other placed him on the ivory throne of his ancestors, showed that the re-establishment of the

dynasty was intended. According to the view of those who asserted the merely personal character of the treaty, the transaction could really have been no more nor less than making a life king—a thing monstrous and anomalous, and without parallel in our rule or in the history of the East. In his letter to the Viceroy, the Rajah had put the matter very well when he said that from time immemorial the rights and possessions of a Sovereign in India and throughout the world had been held to be essentially heritable and transmissible, and that it was utterly repugnant to the Oriental notion of the Royal dignity that there should be such a thing as a life king. That had been the view of different Governors General. The noble Lord (Lord William Hay) had quoted the opinion of Lord Canning. But both Lord Canning and Lord Dalhousie had taken the view that the Rajah had a right of succession. In 1834, Lord William Bentinck negotiated a treaty with the Rajah of Mysore by which he arranged for the alienation or cession of certain districts to the British Crown in return for relieving the Rajah from the subsidy. That treaty was negotiated and settled in the country. But it never came into operation, because its ratification was subsequently refused by the Home authorities. Lord Dalhousie also mentioned in one of his letters the intention of the Rajah to bequeath his territory to the British Government. Lord Canning repeated that statement in many despatches, and it was that noble Lord's firm belief that the Rajah proposed in free gift to bequeath his territory to the British Government. It was not supposed that at the Rajah's death his territory would be subject to annexation, or that it would lapse to the paramount Power, but that a deed should be formally executed by the childless monarch. If the view of those who maintained the personal character of the treaty was correct, that would be nothing more than the alienation of the fee simple by a life-tenant—a transaction which no Governor General could sanction. The relations of the Rajah with the Nizam had been referred to, and there was no doubt that if the personal character of the treaty was acknowledged, the territorial rights of the Nizam would revive at the Rajah's death. The recognition of those rights would involve us in great embarrassments, and lead to a result which it was the special and principal object of the original treaty to pre-

vent. One of the chief merits of the amended despatch, as sent out to India by the Secretary of State, was that by recognising the present validity of the original treaty, it obviated the chance of misunderstanding and complication hereafter. He would not presume to vindicate the right hon. Baronet (Sir Stafford Northcote) from the strictures passed upon him. He was quite able to defend himself. He thought the policy of annexation was indicated by the despatches of Lord Halifax. He could not see how it was possible to put any other construction upon them. He had never had the slightest doubt on that point. The protest of the Members of the Council had been based on that idea. It was in consequence of that conviction on his part that he had moved in the matter at all. He had felt satisfied that under the operation of the last order sent out by Lord Halifax to the Viceroy of India, in the event of the death of the Rajah, there would be no resource or alternative but to annex that territory. On that account he had thought it desirable before that took place that the matter should be brought under the consideration of that House. Very great stress had been laid out of doors upon the fact that the Secretary of State for India, in a delicate matter of that sort, should so soon after his accession to office have ventured to overrule his Council, ten members of which were against the despatch and only four for it. But in a case of that kind a mere numerical majority like that was not of essential consequence. The Council of India was divided into a series of committees, each of which was charged with the examination of subjects referring to its own particular branch of administration. There were respectively the Revenue, the Judicial, the Public Works, the Political, and the Military Committees. The subject of the Mysore succession was necessarily submitted to the Political Committee, and he was informed that the despatch was approved by the majority of that Committee. With the exception of Mr. Prinsep, who was the original adviser of Lord William Bentinck in his assumption of the administration of Mysore, every gentleman in the Council of India who ever served with Native Courts, and who therefore might be supposed to be conversant with the state of Native feeling, had been in favour of the continuance of the Government of Mysore. That he regarded as of much more importance than the mere fact that a majority of gentlemen

who really knew very little of political matters should have recorded their votes against the despatch. In noticing that conflict of opinion between the Secretary of State and his Council, and the circumstance that Parliament was taken into consultation only after the matter had been decided and the despatch sent out, he wished to remind the House that it was in great measure owing to the decision of the House itself that such had been the case. Parliament having in its wisdom decided that the Members of the Council of India should not be eligible to sit in the House, those who were really the persons best qualified to instruct the House on Indian questions, and who would on the present occasion have kept it informed of the preliminary discussions on that subject, were unable to do so. It did seem strange that when the Government of India was in the hands of the Court of Directors of the East India Company, and when Parliament was not—or only remotely—responsible for the due administration of the affairs of that country, the Directors from Leadenhall Street had as free and open access to the House as any other members of the community. But when the Government of India was transferred to the Crown, and the power of ruling India was vested in a Council of sixteen, presided over by a Secretary of State, the very men who were perhaps most competent to enlighten Parliament as to what were the right measures for the Secretary of State to adopt were prohibited from sitting in the House. It had been said that it would be unseemly for Members of the Council of India to rise in the House and beard the Secretary of State. But it was equally unseemly, if not unconstitutional, that there should be no Parliamentary check upon the measures of the Secretary of State as to Indian administration. As long as there was no one in the House who had the necessary information and was thus qualified to give an opinion on the measures of the Minister, there would virtually be no Parliamentary check upon them. He would suggest whether it was not desirable to re-consider the question as to Members of the Council sitting in the House, with a view to the proper enlightenment of the House on subjects connected with India. Referring, in conclusion, to a somewhat personal matter, he complained of the very inaccurate and unfair account given by Mr. Prinsep of the causes which led to the bringing of this question

Sir Henry Rawlinson

again before the House. He touched upon this matter because the document containing the record had been laid upon the table, and because he interpreted it as imputing unworthy and party motives to a Member of the House, in the person of himself. Mr. Prinsep, in his dissent from the ruling of the present Secretary for India upon the question of the Mysore despatch, had stated that those interested in the question had brought it forward afresh after the decision of the former Government against the Rajah only because a change of Government had renewed their hopes of getting a hearing. As a matter of fact, however, he had asked Lord Russell, when in office, to receive a deputation upon the matter, and he consented to do so; but the day fixed by him happened to be two days after the vote upon which the Government resigned, and it was by a mere accident that the deputation was received by the noble Lord (Viscount Cranborne). The letter which had been written by the Rajah was dated the 4th of July, which was before the day the noble Lord took his place as President of the Indian Council. Mr. Prinsep made use of these words—

“They who have been induced by the Rajah’s agents and agitators to advocate the Rajah’s extreme rights procured a Motion to be made in Parliament.”

He answered that by saying that neither directly nor indirectly, either here or in India, had he communicated with any agent of the Rajah. He had once received a request for an interview from a gentleman who, he believed, was appointed by the Rajah; but knowing something of agitators, and as he desired to have no knowledge of the matter except what he obtained through public channels, he declined to grant the request. He did not know the Rajah, and had no interest in him further than that he respected an old man who had occupied his throne for sixty-eight years, and during the Indian Mutiny had so acted as to call forth the thanks of our Government. The Queen had declared that he was not only the oldest but the staunchest of Her allies. He had concerned himself in this matter from no desire to gratify the ambition of individuals, nor merely out of regard to the feelings of an Indian Prince, but in the hope that he might secure what would redound to the honour and interest of our own country.

COLONEL SYKES said, that having

dabbled in Indian politics for half a century, he desired to correct a gigantic misapprehension upon which the whole of this discussion had been based. Mr. Prinsep, in his minute of dissent, stated that we had conquered Mysore from Tippoo Sultan. That was not the fact. The Prince to whom the province had come down from time immemorial was used as a mere puppet by Hyder Ali. This Hyder Ali was a common trooper in his service, a man of great ability and daring, who assumed the Government, and acted so boldly as to excite British attention. He was succeeded by Tippoo Sultan, his son, who followed in the footsteps of his father, and assumed the entire mastery of the province. When the titular Rajah of Mysore died, Tippoo Sultan formally established the eldest son of the departed Prince on the throne, but of course kept him without a shred of real authority. The right to the territory, although usurped by Tippoo Sultan, remained inherent in the family of the present Rajah. We merely stole the territory from the robber who had stolen it from the Rajah’s family, and we had no more right to it than that robber had. He wished to know what we should think, if, having seen a gentleman robbed of his purse, we were to knock down the thief and pocket the purse ourselves. Practically that was what we were doing in Mysore. Even if our treaty with the Rajah was a personal one that treaty could not bar the inherent right which the family of the Rajah had in the territory, and which was at present vested in the Rajah’s adopted son. Treaties should be interpreted in the spirit of the Queen’s Proclamation, which said, “We desire no extension of our territorial possessions.” The noble Lord (Viscount Cranborne) and his successor had honourably interpreted the treaties in that manner, and he hoped that their policy would be continued. He concurred in the assertion that if the affairs of Mysore were in future to be administered by a Native Prince, it must be done upon Native principles and by a Native agency, in the way in which Sir Mark Cubbon administered the affairs of the country for thirty years.

MR. LAING said, that as a member of Lord Canning’s Council in India when the despatch of 1862 was written he had heard with extreme surprise the sentiments which fell from the hon. Member (Mr. Smollett). He had not taken any direct part in that transaction, in consequence of

his having been at that period absent from India through indisposition. But he had heard the question frequently discussed, and he believed he might confidently speak as to the views which had upon that occasion influenced the policy of Lord Canning. Lord Canning had been accused of trying by "artful dodges" to prosecute a policy annexation. Such a charge, to any one who knew anything of the character of that noble Lord, must appear so extraordinary that it was almost an insult to his memory to offer a single word upon it. This was a case in which more depended upon the weight of authority than upon technical proof. If there was any one to whose authority special weight ought to attach on such a question it was to Lord Canning. The noble Lord's general policy was entirely opposed to the annexation of Native States. His reputation and all his feelings were identified with the preservation of the strictest good faith in treaty obligations with Native Powers. He was deeply impressed with the impolicy of the system of annexation carried out with such splendid results by his predecessor, Lord Dalhousie. If such a man as Lord Canning, in a particular case, adopted a course opposed to all the general rules that governed his conduct, the reasons influencing that decision must have been exceedingly strong. The point at issue was simply this, whether the treaty of 1789 with regard to Mysore was a dynastic or a personal treaty. Without partaking of the enthusiasm of his hon. and gallant Friend (Colonel Sykes) for the Divine right of Indian Kings, every one must draw a broad line of distinction between a treaty made with an ancient family, their heirs and successors, and one that was merely temporary in its character. If it bore the former character we were pledged to leave the reigning family in full possession of all those rights of succession which prevailed generally throughout India. But if it was a mere personal treaty it did not extend to the heirs of the sovereign whom we placed upon the throne the rights which it conferred upon himself. He (Mr. Laing) believed that it was clearly a treaty of the latter description. In Mysore the Hindoo dynasty had been subverted by two generations of Mahomedan conquerors, whose formidable military power at one period brought our system in India within a finger's breadth of ruin. When by strenuous efforts they in turn were subdued and put down we were left in absolute

possession of the conquered territory, subject only to our obligations towards the Nizam, who assisted us in that campaign. It would have been quite consistent with our treaty obligations and with the law of nations to have annexed the conquered province. It was thought better to make a provisional arrangement. With the heir of the former dynasty, then languishing in prison under the barbarous rule of Tippoo Saib, a treaty was made. In that treaty care was taken sedulously to avoid all those expressions implying a perpetuity of possession found in our treaties with Native Indian Princes who had a real and *bonâ fide* independence. On this point, if proof were wanting, it would have been furnished by the evidence of the noble Lord (Lord William Hay), whose researches had been attended with such happy results. Had the treaty been not personal, but dynastic, it would have been a monstrous thing to have refused the Rajah the right of adoption. The decision on the point involved not merely the particular question at issue, but the important consideration of how India was to be governed for the future. The overwhelming and concurrent weight of the highest Indian authority had been overruled by a single decision. He did not wish to say anything harsh of his right hon. Friend (Sir Stafford Northcote) who, owing to a difficulty that had arisen with regard to the Reform Bill, almost at a day's notice was called on to administer the Indian Department—one to which his attention had never before been specially directed. In the first fortnight of his tenure of that office he was called on to decide a most serious question. It would be a very serious matter if such a question were to be determined through what might be regarded as a mere accident in English politics. The view of the treaty he was advocating was adopted by the Court of Directors in 1832, and confirmed at that time by the Board of Control. Among recent Governors General it had received the sanction of Lord Dalhousie, of Lord Canning, of Lord Elgin, and of Sir John Lawrence. All these high authorities concurred in the opinion that the treaty was a personal one, and that it was not expedient that we should set up a new Native dynasty in the State of Mysore. The same opinion was expressed in three successive despatches written by Lord Halifax. The noble Lord (Viscount Cranborne), while he thought the time had not yet come for adopting any positive decision

with respect to the succession to the sovereignty of that territory, distinctly declared his belief that the treaty was a personal, and not a dynastic one. The decision of the noble Lord left the question an open one. But the decision of his successor reversed all former decisions, and that not only upon the cardinal point of law, but also upon the point of policy and expediency. If it were to be considered final it might leave us no alternative but to recognise the adopted heir of the present Sovereign of Mysore, and to set up in that State an hereditary ruler. There was a broad line of distinction between maintaining a dynasty to the maintenance of which we were bound by treaty and the setting up a new State when we were under no obligations to do so. The question of annexation was so unpopular that he did not wish to be understood as being favourable to it. He was not a partizan of annexation. The policy of annexation had been carried under Lord Dalhousie's administration to an extent he could scarcely approve. But he thought it due to the memory of that distinguished statesman to say that the case, as regarded annexation, was not so clear as it at first sight appeared to some persons to be. Some persons spoke of it as if it were a coveting of our neighbour's possessions—a mere lust of aggrandisement. But that was far from being the case. The existence of Native States in India, except as far as it was based on treaty and sanctioned by allowing hereditary possession, was a very doubtful policy, either for British interests or for the welfare of the inhabitants of British India. If we looked at the past condition of the Punjab, Oude, and other districts which had been recently annexed and compared it with their present condition, we should see how much the people themselves had benefited by the change of Government. Any one who had read Sir William Sleeman's interesting work would learn how bad had been the condition of Oude under its Native Princes. Its history had been one of cruelties and abominations. There had been no security for life or territory. The hostilities between the turbulent nobility of the country had been perpetual. They had been destroying the whole face of the kingdom by battles, sometimes against the King's taxgatherers, and sometimes among themselves. At present Oude was the most flourishing, contented, and loyal part of India. Its fierce feudal Chiefs were

forming themselves into agricultural societies. He had seen a deputation of Talookdars come to thank the Viceroy for the change. The Natives were importing steam ploughs and applying themselves to improvements in agriculture. They had recently established a newspaper which advocated in Hindostanee the most enlightened doctrines. The abolition of infanticide and the emancipation, or partial emancipation, of the women were among the questions of the day. In modern times no more magnificent work had been performed than that which had been accomplished in these Provinces by the substitution of British for Native rule. In the Punjab and in Scinde, under Native rule, the turbulence of the Sikhs was the cause of frequent revolts and insurrections. They were constantly promoting dangerous wars with their neighbours. How was it possible for the 150,000,000 of inhabitants of British India to settle down into peaceful occupations, while such inflammable materials existed in the Native States? In the presence of men of such turbulent disposition we had been obliged to keep up a large army to guard our frontiers and a strong force to watch our own Sepoys. Now, in the case of Mysore, many of those evils must exist in an aggravated form. In a really independent Native State there might be misgovernment and danger. But there was an end of it. We might wash our hands of any responsibility either as regarded the institutions or the treatment of the inhabitants. But it was not so with a Native rule upheld by us and supported by British bayonets, which were at hand to prevent revolt. It was by revolt on the part of their subjects, or by intrigue in their own palace, where they were carried off by poison, that an end was put to the reign of unpopular Native rulers. That had been the state of things in Oude. How could we say that it would not be the state of things in Mysore? How could we wash our hands of responsibility in respect of a State of 4,000,000 of inhabitants set up by British rule, and protected by British authority? British power must be employed in that State for the protection of Native rule with all its abuses. He would mention one case for the purpose of showing what might be the nature of those evils. In the territory of that Prince it was a common practice to seize any unfortunate old woman suspected of witchcraft. A hook was passed through the muscles of the woman's back, and a cord being

attached to it she was hung up and swung round with the view of seeing how long she could endure such torture. In the case to which he referred—which happened at Rajpootana—the Prince complained very loudly to the Resident, on the ground that a British officer's interposition to prevent this cruelty was an interference with his Sovereign authority, and with the feelings or prejudices of his subjects. That was an instance of the scenes which we must expect to witness if we set up a Native Prince in India and then extended to him our protection. If the decisions of the English authorities upon the spot were to be overruled in the manner which seemed to be contemplated, it would be very difficult for us to rule India. The facilities of steam and telegraphic communication were bringing the authority in Indian affairs more and more to London. He was afraid that the great race of British statesmen in India had nearly expired with Lord Canning. He was almost afraid that the inevitable tendency of things was to concentrate—to take authority from India and bring it here. That was a result to which he looked with considerable apprehension. Our Empire in India was of all others the most anomalous the world ever saw. To govern a Native population of 200,000,000 by a handful of Europeans required consummate judgment. It taxed the most consummate wisdom and statesmanship to maintain a machinery so delicate and so complicated. Perhaps the most important matter for us to look to was that our policy in India should be firm and consistent. He could conceive nothing so dangerous as frequent fluctuations. Whether this decision in the case of Mysore was right or wrong it was a great misfortune for the future of British rule in India that a decision come to by an overwhelming concurrence of Indian authorities should be at the last moment completely reversed by the decision of the right hon. Baronet (Sir Stafford Northcote) who, however much all might admire and respect his abilities and character, could not on a question of this kind fairly be regarded as an Indian authority.

SIR EDWARD COLEBROOKE said, he continued to be of opinion that we were bound by equity to maintain the succession. Whatever construction might have been put on the settlement of 1799—even supposing Lord Wellesley had had some secret views as to the interpretation to be put on it—that would not relieve us of the respon-

Mr. Laing

sibility imposed on us by the open acts of the English authorities of that day. The fact of the family of the Indian Prince being placed on the throne by our Government carried with it in the eyes of the Natives an acknowledgment of those rights of succession which were inherent in a Sovereign. He tendered his acknowledgments to the noble Lord (Viscount Cranborne) and to the right hon. Gentleman (Sir Stafford Northcote) for the boldness with which they had expressed their views. He thought there were other grounds of policy in connection with this question in addition to the general question of a Native State. The speech of his noble Friend (Lord William Hay) left great doubts in his mind as to the particular object he had in view. The noble Lord, while expressing his concurrence in the policy of the Government, did not wish to see the State annexed. He could not understand, therefore, what reason the noble Lord had to quarrel with his right hon. Friend the Secretary for India respecting the course he had taken. He knew nothing of the reasons upon which his right hon. Friend had arrived at his decision, of the extent to which he carried his views, nor how far he differed from the policy of his predecessors. Whatever his views might be, he cordially agreed with the right hon. Baronet that, if we were to recognise the succession at all, we ought not to clog it with any reasoning or technical argument as to the original value of the treaty under which the family was placed upon the throne. He was glad that the right hon. Baronet had not followed the example of the noble Lord who preceded him in office, and qualified his decision by casting doubt upon the title by which the Sovereign was in future to be entitled to reign. Nothing could be more inexpedient than to put a member of that family upon the throne in order that he might be regarded as a mere life occupant of it. He did not think the House need be alarmed by the opinion expressed by the hon. Member (Mr. Laing) as to the dangers which would arise if the State were placed under the dominion of a Native Sovereign. The powers conferred on the British Government under the subsidiary treaty would be sufficient to secure the rights and happiness of individuals residing within the State. It was impossible to ignore the questions of expediency involved in the case of the administration of a country which had been so long under British rule. Even if the treaty were

regarded as a personal one, we should not be deprived of any rights which we might exercise in this respect. It was stated by Mr. Prinsep that on the death of the Sovereign the British Government might exercise their original rights under the treaty, assuming it to be merely a personal one. We might say, for instance, to the Sovereign of the country, "We will not for the future regard you as a protected Sovereign, and we are not now under any obligation to support you with our troops. We will leave you to the exercise of your Sovereignty." The adoption of such a course would be followed by anarchy, and the British Government would then be under the necessity of interfering as a neighbour who was interested in the welfare and the peace of India. Upon that interpretation of the treaty the British Government would have full power to protect the rights of every inhabitant of the territory. He believed that no danger would accrue from the course taken by Her Majesty's Government.

MR. HENRY SEYMOUR said, he did not understand this case, as it was dealt with in the Secretary of State's despatch, who avoided, according to his own avowal, entering at all into the legal argument. He should like to know from the right hon. Baronet (Sir Stafford Northcote) whether he considered the treaty personal or dynastic. He thought the right hon. Gentleman should have agreed with those who preceded him in office, and held the treaty to be a personal one. The last speaker seemed to hold the doctrine of the inherent rights of sovereignty and the Divine rights of kings. What those inherent rights were he could not comprehend. He understood the hon. Baronet (Sir Edward Colebrooke) to say that if a Sovereign were made under any circumstances the right of sovereignty would be carried down in his family to the remotest times. According to that theory, the Stuarts were the rightful occupants of the Throne of Great Britain, and the Bourbons ought to govern France. He could not admit that any Sovereign ought to hold a throne except by the will of the people and the legislative authority of the country. It was by that authority that the Queen of England occupied the throne, and the same principle should be applied to India. The present Rajah of Mysore was not even of an ancient dynasty. It had been stated by the hon. and gallant Gentleman (Colonel Sykes) that Hyder Ali was a trooper who robbed his master, and

that the Nizam was not the rightful Sovereign, because he was originally the lieutenant of his master, from whom he took the Deccan. The Rajah, therefore, was not the representative of an ancient dynasty. We took him from a dungeon and placed him on a throne. As to the treaty, the concurrence of almost every authority went to prove that it was considered by those who framed it as a personal treaty. The Secretary of State, however, in his despatch expressly declined to enter into the legal argument, but grounded his policy on expediency. He understood his meaning to be this—"Suppose that it is a personal treaty, it is our interest to adopt the son of the Rajah, to bring him up in a certain manner, and to undertake that when the young gentleman is eighteen or twenty years of age he shall be put upon a throne in the centre of our possessions, with the powers which his father enjoyed before 1832." Why should the son be invested with all the powers which his father possessed before 1832? In his judgment those powers should be curtailed. He thought the right hon. Baronet ought to state distinctly to the House whether he looked upon the treaty as personal or dynastic. The best thing for the young Prince was that he should have a good education, and a good education was not to be had in India. The son of the Rajah ought to be recognised as such, all his own property should be guaranteed, and he should receive a liberal education in England befitting one of his high station. It was the custom of the Russian Government to cause their Asiatic Princes to be educated at St. Petersburg with the young nobility, and we might learn a valuable lesson from the Russians in this respect. Armenians were found holding important offices in the State and discharging high civil and military functions. If such an example were followed by us with respect to our Indian Princes the most beneficial consequences would ensue. Fifty years ago there was a race of Indian warriors and statesmen which had ceased to exist under our rule. He should like to see that class of men revived. Sir Charles Napier entertained a decided opinion upon this point. The best proof that we had been of real service to India would be found in the possibility of her being able to stand alone in case the union between that country and our own should at any time be severed. He gave full credit to some of the motives which dictated this

despatch, but he thought that it was too vague about the future of the adopted son of the Rajah. The course that had been pursued with regard to this young Prince would result in failure. It was impossible as now arranged that he could associate with boys of his own rank so as to imbibe those ideas of Western civilization which were absolutely necessary to prevent his becoming a burden to himself, and to make him an honour to his country. If there was to be a future of any distinction at all for him, he should be educated in this country and engaged in the public service until the proper time, when he would learn that his advancement depended upon his own merits. He regretted that the offices in India had not been opened more to Natives, instead of being filled as they had been almost exclusively by Europeans. The real cure for the fears of the Native Princes of India would be to settle their succession by Act of Parliament, as was the case with the Crown in this country. What they required for India was security of tenure in this respect, and the adoption of such a course would go far to prevent the Indian Princes from becoming victims to what in many instances were nothing but idle fears. The right hon. Baronet (Sir Stafford Northcote) was wrong in pledging the Government and the country as he had done to the policy contained in his despatch. That policy was a bad precedent. It was contrary to our system of rule in India, and the principles upon which it was based were to be involved. He did not think that that despatch would prohibit or prevent any Member hereafter raising the question of the future government of Mysore.

MR. STANSFELD said, the subject before the House divided itself into a question of law and a question of policy. Upon the question of law considerable additional light had been thrown. Perhaps in consequence of that additional light the right hon. Baronet might be prepared to express more clearly than he had yet done, his own opinion with regard to the legal position taken up by his predecessors. Up to the time of the right hon. Gentleman's despatch there had certainly been complete concurrence among Governors General and Secretaries of State upon the point of the treaty not being dynastic, but simply personal, as far as the Rajah of Mysore was concerned. It was extremely desirable that there should be continuity of opinion upon questions of both law and policy in dealing with

so large and important a dependency as India. They had been told that if the treaty was only a personal one, we might get into great trouble, but that was not a question which it was necessary to go into at present. Differences of opinion would undoubtedly arise in dealing with a question like this. But as far as possible an attempt should be made to reconcile those differences and preserve an uniformity of policy. Whether the treaty was dynastic or personal, he did not think that we were under any circumstances bound to recognise the equal rights of the Nizam. Some hon. Gentlemen behind him appeared to think that Lord Halifax had decided in favour of a positive policy of annexation, but that was by no means the case. Lord Halifax intended that this question should be left perfectly open to his successors to be solved by them when the proper time, whatever that might be, arrived. But the noble Lord (Viscount Cranbourne) had gone a step further. For that he did not blame him, because it might be that the time had come for taking some further step during the Rajah's lifetime, protracted as that life had been. The view of the noble Lord (Viscount Cranbourne), when he wrote his despatch, was this—"I will leave the question to be determined by my successors when the child comes of age; I will not commit my successors to the recognition of the nominal sovereignty of this child, but will leave it to my successors to determine at that time what, if any, portion of the State he shall rule, and what administrative powers he shall exercise." The right hon. Gentleman had—as had been shown—taken up a somewhat different position. He trusted, however, that the three different positions which had been taken by three different Secretaries of State, with the explanation the House would probably receive, would prove to be not so irreconcilable as to imply anything like a reversal of policy. There were two points on which he wished to hear the opinion of the right hon. Gentleman (Sir Stafford Northcote). The first was as to time. The second as to the policy to be pursued when the time arrived. Certain mischiefs were risked by delay. If it were true that the present beneficial and successful system of administration could hardly exist under the Native Sovereign, we ought to determine long before the maturity of the present claimant whether we intended to hand over to him the whole or only a part

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of Mysore, and prepare the State for that change. He thought that the despatch left the question of time entirely undecided. As to the question of policy, he thought it would be advisable to leave it as free as possible. Two policies were possible, that of administering the whole as a Native State, and obtaining guarantees for good government, and that of "carving out" which was well-known in the office, and had been unofficially considered more than once. He had heard the word "annexation" in the course of the debate. There was a time for one policy and a time for another, and the time for annexation had passed away. He desired in this matter to trace identity of policy on the part of those who had been and those who were responsible for the Government of India, and he confidently hoped the right hon. Gentleman would be able to put himself in harmony with his predecessors. Nothing could be more statesmanlike than the policy which the noble Lord (Viscount Cranbourne) had announced on this question in his lucid speech last year, and he hoped the views of the right hon. Gentleman opposite would be found to be equally worthy of his approval.

SIR STAFFORD NORTHCOTE said, that within the past half hour he had received a telegram from India with reference to the report of a mutiny which appeared in the newspapers the day before yesterday, and respecting which a question had been put to him by an hon. Member. The telegram was from Bombay, and it stated that information had been received there that the report of the mutiny was not true, and that it originated with a letter written by a person who was insane. He fully admitted the importance of the subject which had been brought under their notice by the noble Lord (Lord William Hay). There could be no doubt that this question was of great importance in more than one respect. It was important as it bore upon our policy in India generally. It was also of importance as affording a crucial case for determining the view which Parliament might take as to the relative position in which the Secretary of State for India, and his Council, and the Governor of India, should stand one to another. As the hon. Member (Mr. Laing) had properly said, the present case was a peculiar and a very strong one. The Secretary of State for India, not having been previously familiar with the administration of Indian affairs, found himself immediately on his

accession to office engaged in a question of great difficulty. He had taken upon himself, in opposition to the views of the majority of his Council, and in opposition to, or at all events, not in conformity with the views of his predecessor, to send out a despatch to the Governor General of India, giving him instructions upon a matter of great importance. That, undoubtedly, was a step which called for criticism and remark, and he should have had no right to complain had hon. Members found fault with such a proceeding. No one, however, had disputed the legality of the course adopted, and no one had raised the question whether or not that ought to be the position in which the Secretary of State should stand. It had been generally admitted that if we were to govern India by means of a Secretary of State it must be left to the responsible Minister of the day, who must be prepared to defend in Parliament the course he might adopt, and to decide what should and what should not be the measures to be taken upon those questions not specially reserved by Parliament for the decision of other authorities. There could be no doubt that Parliament had distinctly and emphatically reserved certain questions for the decision of the Indian Council. Questions of expenditure and revenue were determined by that body, and over them the Secretary of State had no power. If therefore the Secretary of State were to be overruled by his Council on some question of finance, no blame could be attached to him for giving way. But in questions like that at present before the House, Parliament had directed that the Secretary of State should have power to act upon his own judgment, notwithstanding he might not have the support of the majority of his Council in the course he might think proper to pursue. While he admitted the peculiarity and the difficulty of the position in which he had been placed, no other course was open to him than the course he had adopted—namely, to rely upon his own judgment and to carry out his own views on his own responsibility. Whether or not he had been presumptuous in setting up his own opinion against that of so many great authorities, as he was said to have done, was a question upon which he should feel it to be his duty to address a few words to the House. The Constitutional power of the Secretary of State to act as he had done, not having been denied, he would shortly discuss the actual course which had been pursued. He

was at a loss to understand precisely to what the criticisms of the noble Lord pointed. The noble Lord appeared to find fault with him because he would not discuss the question whether the Treaties of 1799 were dynastic or personal. The noble Lord expressed his opinion that the treaties were personal, and that we should not annex. He then said that if the treaties were personal and not dynastic, on the death of the existing Rajah the question would be between ourselves and the Nizam as to the mode in which the kingdom was to be disposed of. Yet in the same breath he said that we ought not to annex, but that we ought to recognise the right of the Nizam. Did the noble Lord think we ought to have given a portion of the territory to the Nizam? [Lord WILLIAM HAY said, that he did not go so far as that.] The question of the Nizam had a certain bearing on all the proceedings that had taken place, and we ought not to assume that the fact of the treaty being a personal one, gave us an exclusive right to the inheritance of his dominions. Had it been necessary to construe the treaty according to the strictest construction of the words, the question would have arisen whether the Nizam was not as much a party to it as we were, and whether his case ought not to be considered as well as ours. But his object in taking the step he had done was to avoid going into a minute and critical examination of the words of the treaty, which would have been a most inconvenient and unnecessary inquiry. The position in which the question stood when it came before him was this. The noble Lord his predecessor (Viscount Cranbourne) had announced that it was not the intention of the Government to annex this territory upon the death of the present Rajah; that the treaty being merely of a personal character, it rested with us to make an arrangement that could come into effect on the death of the present Rajah; that we should take his adopted son under our care; that we should educate him as carefully as we could do, and that when he had attained a certain age, say eighteen or twenty, the Government should then decide what course should be adopted. That decision had been come to by the noble Lord without the question having been previously discussed by the Council of India. As soon as he (Sir Stafford Northcote) entered upon his duties he, of course, consulted the Council upon the subject. He found that while the majority of the Council were de-

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cidedly of opinion that this policy of the noble Lord was one of which they could not approve, while that majority were of opinion that we should rather look to a policy of annexation, those who did approve the noble Lord's proposal dissented from his view in several important matters. Having determined to examine the question for himself, he had come to the conclusion that the question was open to a great deal of argument, and he admitted that his mind had not been entirely satisfied by the argument of the noble Lord. He did not think that the argument, from the wording of the treaty, was conclusive to the extent of showing that the treaty was only a personal one. He had not thought it necessary, however, to inquire minutely into the question as to the right of inheritance, because the matter was one not to be decided merely by the technical construction of the clauses of the treaty. Instead of referring to the mere technical construction of the clauses of the treaty, he had endeavoured, as far as possible, to ascertain the spirit of the arrangement which had been originally made by Lord Wellesley, and, if possible, to carry it into effect irrespective of any special pleading with regard to the exact words of the treaty, and thus, in fact, to treat the matter as a question of broad national policy. That was the spirit in which his despatch was written. He did not desire to controvert the views of great authorities like Lord Dalhousie and Lord Canning, or discuss minutely what those views were. But he was not prepared to admit that he was in necessary opposition to them. They decided a different question from that presented to him, and under different circumstances from those with which he had to deal. He had endeavoured in the Minute which he had laid upon the table, and which accompanied his despatch, to point out that Lord Dalhousie and Lord Canning were dealing with different questions from those which he was called upon to consider. The question brought before them was whether the present Maharajah should be restored to the sovereignty. They argued that he could not claim to be so replaced as a matter of right under the Treaties of 1799. The question of succession did not arise in the form which it now assumed. No adoption had taken place, and it was uncertain whether the Maharajah would adopt. Indeed, Lord Dalhousie supposed it to be the Maharajah's intention to bequeath his kingdom to the British Government. Lord

Canning applied himself to dissuade the Maharajah from adopting. He did not lay down any doctrine as to the effect of adoption. Lord Canning's aim was that the territory of Mysore should ultimately become British territory. He treated the case as an exceptional one. Though not generally desiring that our dominions should be extended, he thought that in the position of Mysore it would be well that the Maharajah should carry out his supposed intention of bequeathing the country to us. The very expression of a hope that such a bequest would be made was inconsistent with the idea that the treaty was of a personal character in the sense in which that expression was used. It was scarcely possible that Lord Canning could have held at one and the same time, that at the Maharajah's death the Government would fall of right to us, and that the Maharajah could bequeath it to us. With regard to the personal character of the treaty, he was thrown back upon the leading policy of Lord Wellesley. The leading policy of Lord Wellesley appeared to have been this:—After the conquest of Tippoo Sultan, the question arose what was to be done with his territory. A portion was given to the Nizam and a portion to the British Government. But as it was not thought desirable that the whole territory should be divided between the allies, Lord Wellesley was of opinion that it should be constituted into a separate State, and placed under a Hindoo Sovereign, having peculiar relations with the British Government. It was agreed that the Nizam should have nothing to say to this arrangement, but that the British Government should be at liberty to make a subsidiary treaty with this State, the object of which was to place all its resources at the disposal of the British Government, and to provide for the good government of the people. Accordingly, the subsidiary treaty was entered into with the young Rajah shortly afterwards. Lord Wellesley, in his despatches to Mr. Dundas and the Court of Directors, represented the matter in that light, pointing out that he had not only obtained the territory actually ceded to us, but had obtained the complete disposal of the resources of Mysore. This, and the establishment of such relations as should secure the good government of the people of Mysore, were the two points to which the subsidiary treaty was directed, the latter being a subject to which Lord Wellesley attached great importance. As to the

words which the noble Lord (Lord William Hay) found in the manuscripts in the British Museum, the Marquess Wellesley was most anxious to show that Mysore was distinctly dependent on the British Government. In striking out these words it was no doubt his object to show this subordinate position of the new State. The substitution of the word "descendant" for "heir" was before known. One reason for this change was that there were private debts in respect of which creditors might have come against this child if he had been recognised as the heir. But the chief reason was because Lord Wellesley wished to show that the kingdom was a creation of ours; that the Maharajah did not take as representing the ancient Rajahs of Mysore, but was a person selected by the British Government; that they might have selected any body—and would have selected a Mahomedan but for reasons of policy—to occupy a position subordinate to British rule. By the subsidiary treaty arrangements were made with the Maharajah by which, for the purposes of good government, he was to provide a certain sum for the maintenance of a force, and take the advice of the British Government in the administration of his territories. Power was also reserved to the British Government to take possession of his territories if these conditions were not observed, and if he made default in the payment of the subsidy. Lord William Bentinck, in 1832, found it necessary to exercise this power, and from that time to the present we had administered the government of Mysore. But we had always carefully avoided the annexation of the country. Lord W. Bentinck made it understood that he had only assumed the administration of affairs because of the personal unfitness of the present Maharajah to govern for himself. He was left the nominal ruler, and, under their treaty rights, the British Government administered the affairs of the kingdom. It had been suggested that we should not now give up the country. But the country was not ours. Before it could become ours, even upon the death of the Maharajah, there must be a Proclamation of annexation, otherwise the country would be left without a government at all. Now, as to our watchfulness over the interests of the subjects of this State. He was told that it was our duty not to regard the rights and interests of Princes so much as the rights and interests of subjects. He had

been told that a system of administration which supported Princes who showed themselves unfit to govern was worse than to leave them under their independent Princes, where bad government was checked by the right of insurrection. He entirely agreed that we ought to regard the rights and interests of the Natives of India. It was said if we supported a Native ruler against the fear of insurrection he might abuse his power. There was another and a better check than the fear of insurrection—forfeiture to the British Government. The administrator of a Native State in the event of misgoverning it might be set aside. That was what Lord Wellesley said—not that we should take the kingdom to ourselves, but that in the interest of the Natives of India we should step in and take the administration when necessary. That was a delicate operation to perform. It was one which, if the Natives of India understood it, might work very well; but if they misunderstood it a great deal of mistrust must be occasioned, and we might lay ourselves open to very severe reflections. Our course should be clearly disinterested. If we gave the Natives cause to think that we had really come in to take the territory for our own, it would cause distrust and multiply difficulties. We had stepped in in the present case. The question came to be, had that been done in the spirit of Lord Wellesley, or had it been done only as a stepping-stone to annexation? If the latter were the object, then it tended to shake the confidence of the Native States as to the meaning of our interference with regard to them. If, for instance, Travancore were badly governed and we were compelled to interfere, it would at once be said that we had come, not in the interest of the people, but to take the country for ourselves, and that we were only doing by two steps what might as well be done by one. If we converted this regency into an assumption of the country for ourselves we became exposed to reproach, and shook the confidence of other Native States in the justice of our proceedings when we interfered with them. That was the view he took, and it seemed to him to justify the policy he had to embody in the despatch. There was another point on which he differed from the course taken by his noble Friend (Viscount Cranborne), and it was one of more real importance than whether he should declare his opinion on the construction of the treaty. It was a cardinal

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point—what was to be done in the way of declaring positively the future arrangements of Mysore? His noble Friend left matters open till this child should attain the age of eighteen or twenty—that was, for the next fourteen or fifteen years. It seemed to him (Sir Stafford Northcote) that this policy was impracticable and mischievous. What were they to do during these fourteen or fifteen years? Everything would be kept in a state of uncertainty. The government of the country was at present carried on in the name of the present Rajah, and at his death they must declare in whose name it was to be carried on. On this point he had received a strong opinion from Mr. Bowring, the present resident at Mysore, who said—

“What will be my position in such an event? the people will ask me what is to be done. I can only tell them to wait and see; which would be interpreted into waiting for a convenient time when we might annex the State. Confidence would be destroyed. And what would be the condition of the young Prince? He would be brought up and educated, but a feeling of dissatisfaction and discontent would prevail among those who surrounded him, and he would be brought up, not as an expectant king, but as a pretender.”

That was a serious danger to be guarded against. But we should also be losing valuable time. These ten or fourteen years were extremely precious, and we ought to expend the time not only in carefully educating the young Prince, but in devising such a system and regulations as would, when the time came for his administering the country, as far as possible insure his administering it properly. He could not admit the force of the argument that because the present Rajah thirty years ago managed his country badly, it would be badly managed by a young Prince better educated. He believed that the change in education in India, and the fact that the Natives now saw what their system of Government was and is, had told most beneficially on that country. He had therefore confidence that we might establish a state of things in Mysore which would have a happy effect on the administration of the country. What had taken place in other parts of India? Travancore forty years ago was in as bad a state as Mysore, yet its administration under British influence had so greatly improved that Travancore was now something like a model Native State. Our Indian policy should be founded on a broad basis. There might be difficulties; but what we had to

aim at was to establish a system of Native States, which might maintain themselves in a satisfactory relation—keeping the virtues of Native States, and getting rid, as far as possible, of their disadvantages. We must look to the great natural advantages which the Government of a Native State must necessarily have. Under the English system there were advantages which would probably never be had under Native administration—regularity, love of law, order, and justice. But Native administration had the advantage in sympathy between governors and the governed. Governors were able to appreciate and understand the prejudices and wishes of the governed; especially in the case of Hindoo States the religious feelings of the people were enlisted in favour of their governors instead of being roused against us. He had been told by gentlemen from India that nothing impressed them more than when walking the streets of some Indian town they looked up at the houses on each side, and asked themselves, “What do we really know of these people—of their modes of thought, their feelings, their prejudices—and at what great disadvantage, in consequence, do we administer the government?” The English Government must necessarily labour under great disadvantages, and we should endeavour, as far as possible, to develop the system of Native government, to bring out Native talent and statemanship, and to enlist in the cause of government all that was great and good in them. Nothing could be more wonderful than our Empire in India; but we ought to consider on what conditions we held it, and how our predecessors held it. The greatness of the Mogul Empire depended on the liberal policy that was pursued by men like the great Emperor Akbar and his successors availing themselves of Hindoo talent and assistance, and identifying themselves, as far as possible, with the people of the country. They ought to take a lesson from such circumstances. If they were to do their duty towards India they could only discharge that duty by obtaining the assistance and counsel of all who were great and good in that country. It would be absurd in them to say that there was not a large fund of statesmanship and ability in the Indian character. They really must not be too proud. They were always ready to speak of the English Government as so infinitely superior to anything in the way of Indian government. But if the Natives of India were disposed

to be equally critical, it would be possible for them to find out weak places in the harness of the English administration. The system in India was one of great complexity. It was a system of checks and counter-checks, and very often great abuses failed to be controlled from want of a proper knowledge of and sympathy with the Natives. In answer to the two questions which had been asked with respect to the time and nature of the policy to be adopted, the words which had been quoted from his despatch as to the time in which any arrangement should be made, were deliberately inserted in consultation with the Indian Council in order that any arrangement which might be made with the Governor General and the majority of the Board should be the subject of discussion between the Secretary of State and the Council. Great care should be taken in making any arrangement, and he left it open to his successor to consider how far the policy might be adopted of what the hon. Member (Mr. Stansfeld) called “carving out a small State.” That was not exactly the mode in which he would express the idea; but it was perfectly consistent with his despatch that a policy of that kind might be adopted. He had in the first instance pointed out that some arrangement would have to be made, but he left it open to his successor to make it in the way he pleased, and if his successor chose to adopt the method of a cession of territory, that would be equal to carving out a small State. Those were points upon which they ought, as far as possible, be consistent in their policy, even if he were apparently reversing the decisions of his predecessors. He had not reversed that policy. He might fairly say that he had not so much reversed those decisions as he had acted under new circumstances, somewhat in a different line than that which his predecessors had taken. But it would be his wish at all times, in all further proceedings, even if he were placed in opposition, to co-operate with his successors, whoever they might be, or with those who were interested in the administration of the Government of India. As far as it was possible to agree upon a principle they ought to do so, and not to allow party politics in England to interfere with the government of India. But there were questions upon which it was necessary for a Secretary of State to take a line of his own, and upon which no one would be justified in evading his responsibility out

of deference to the opinions of his predecessors, or the possible opinions of his successors.

VISCOUNT CRANBORNE: I have very little to add to the speech of my right hon. Friend; but I should like to make a few observations on what has fallen from him. First I will allude to the Constitutional question and to the peculiar position in which he stands in having sent out a despatch in opposition to ten out of the fourteen of the Council of India. In that course, as he justly states, he has been borne out by the general tenor of this debate, because no one has taken exception to that course. I wish to record my opinion strongly in favour of the course he has taken, not only on the especial ground of his policy being coincident with that which I had suggested, but also on broad Constitutional grounds. Some of the dissents which we have before us—written, undoubtedly, by very able men, who form part of that Council—seem to me to indicate—probably because they are able and competent men—rather a tendency to encroach beyond the sphere which Parliament has assigned to them, and to entrench on the prerogatives of this House. There ought to be no mistake as to the Constitutional position which the Council holds. Constitutionally it is a most anomalous institution. It possesses by Act of Parliament an absolute and conclusive veto upon the Acts of the Government of India with reference to nine-tenths—I might almost say ninety-nine-hundredths—of the questions that arise with respect to that Government. Parliament has provided that the Council may veto any despatch which directs the appropriation of public money. Everyone knows that almost every question connected with Government raises in some way or other the question of expenditure. The construction which high legal authorities put upon the Act is that, directly or constructively, every despatch or order raises a question of expenditure, over which the Council of India have a conclusive and absolute veto, and from which there is no appeal except by an Act of Parliament. The only defence of such an anomalous state of things is, that this House is so overwhelmed with business nearer home that it has no opportunity of making itself acquainted with all those vast fields of knowledge that will enable it to exercise an efficient vigilance over the acts of the Secretary of State for India. Therefore it has instituted this Council to be its deputy,

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as it were, to watch him and see that the powers placed in his hands are not abused. It ought, however, to be clearly understood that the moment the House steps in and expresses an opinion on a subject connected with India, that moment the jurisdiction of the Council of India ought to cease. It is not to be endured in this Constitutional country for a moment that the Council should set itself against the express opinion of the House. I make that statement because there are some strong expressions in one or two of the dissents which ought not to be allowed to pass unnoticed. If at any time these opinions should find expression in the acts of the Council of India, I will venture to predict that their large powers will speedily be restricted. It was with regret that I saw the Motion of the noble Lord (Lord William Hay) on the Paper. Though I know no one more competent to speak on the subject than he—as the event has been proved, because he has contributed interesting and valuable information in illustration of the question—still it was with regret that I saw it was to be made the matter of discussion. My reason was that it could hardly be avoided that the slight difference between the course of myself and my right hon. Friend (Sir Stafford Northcote) should be exaggerated in the course of the debate. You cannot state minute differences without, to some extent, exaggerating them. Therefore it was that I should have preferred if the matter could have passed in silence, because I believe that the despatch substantially expressed, not only the decision of the Government as expressed in July last through me, but also that of the House, upon this question. I think my right hon. Friend has exercised a sound discretion in not going deeply into the law in this despatch. It is one thing to do so in a speech and another in a despatch. If you go into it in an official document you are liable to criticism, and the necessity of doing it fully and following it out in detail makes the task almost impracticable. I do not think my right hon. Friend could have differed much from the views I entertained, because they were submitted to him in common with the rest of the Cabinet before they were placed before the House. Whatever opinions on reflection he might have entertained, it is well that that subject should not form part of the despatch. If I might venture to criticize the speeches that have been

made, a little too much importance has been attached to these treaties. It is a hazardous opinion to express, for it might seem to imply that we are justified in departing from the letter of those treaties. I am far from wishing to express such an opinion. But we have heard doctrines propounded more fitting for the Congress of Vienna than this House. Mysore has been talked of as the property of a Sovereign, and the 4,000,000 of people as so many sheep or stock. I think that that is hardly such a view of the relation between the rights of a Sovereign and the welfare of the community as is usually taken on such a subject on this side of the world in the present day. Therefore, of whatever importance these treaties may be, it is dangerous to dwell so exclusively on the letter of them as some have done in this debate. It conveys the impression that we consider the rights of individual Sovereigns of much more importance than the welfare of the people. With that remark I will venture to dismiss a great deal of what has been said with reference to the Nizam. All his claims, whatever they are, are in the highest degree technical; and, in my opinion, in a Court of Law he would have no defence. Whether he has or not, I am certain that, as a matter of policy, no English Government would think it right to increase his dominions. I expressed my opinion on a former occasion on the legal question very fully, and I shall not again go into it. What I have heard from high legal authorities does not lead me to distrust the view I have taken. What the noble Lord has brought forward tends to confirm it. The general concurrence of opinion of those who know India best is that a number of well-governed small Native States are in the highest degree advantageous to the development of the political and moral condition of the people of India. The hon. Gentleman (Mr. Laing), arguing in the strong official line, seems to take the view that everything is right on British territory and everything dark on Native territory. Though he can cite the case of Oude, I venture to doubt if it could be established as a general view of India as it exists at present. If Oude is to be quoted against Native government the Report on the Orissa famine, which will be presented in a few days, will be found to be another and far more terrible instance to be quoted against English rule. The British Government has never been

guilty of the violence and illegality of Native Sovereigns. But it has faults of its own which, though they are far more guiltless in intention, are more terrible in effect. Its tendency to routine; its listless, heavy heedlessness, sometimes the result of its elaborate organization; a fear of responsibility; an extreme centralization—all these results traceable to causes for which no man is culpable, produce an amount of inefficiency which, when reinforced by natural causes and circumstances, create a terrible amount of misery. All these things must be taken into consideration when you compare our elaborate and artificial system of government with the more rough-and-ready system of India. In cases of emergency, unless you have men of peculiar character on the spot, the simple form of Oriental Government will produce effects more salutary than the more elaborate system of English rule. I am not by this denying that our mission in India is to reduce to order, to civilize and develop the Native governments we find there. But I demur to that wholesale condemnation of a system of government which would be utterly intolerable on our own soil, but which has grown up amongst the people subjected to it. It has a fitness and congeniality for them impossible for us adequately to realize, but which compensates them to an enormous degree for the material evils which its rudeness in a great many cases produces. I may mention, as an instance, what was told me by Sir George Clerk, a distinguished Member of the Council of India, respecting the province of Kattywar, in which the English and Native Governments are very much intermixed. There are no broad lines of frontier there, and a man can easily leap over the hedge from the Native into the English jurisdiction. Sir George Clerk told me that the Natives having little to carry with them were continually in the habit of migrating from the English into the Native jurisdiction; but that he never heard of an instance of a Native leaving his own to go into the English jurisdiction. This may be very bad taste on the part of the Natives; but you have to consider what promotes their happiness, suits their tastes, and tends to their moral development in their own way. If you intend to develop their moral nature only after an Anglo-Saxon type, you will make a conspicuous and disastrous defeat. I concur in the general policy enunciated in the early part of the year, and which is now

being carried out by my right hon. Friend, of continuing a Native State in Mysore. I was glad also to hear his closing words, that the greatest liberty should be left to his successors to settle the details of the arrangement. Most of all, I was glad to hear that we should not be bound to maintain the exact frontier, a reservation which, in the case of Mysore, is of considerable importance. We are in no way bound to maintain existing arrangements, and I would urge upon the House the danger of prematurely settling anything in respect of a country which is in such a rapid state of transition. The impression produced on my mind whilst I was at the India Office was, that I was watching a vast community, as it were, in the act of creation. The changes going on were so rapid; prejudices a thousand years old appeared to be so rapidly melting away; the agencies in operation were so powerful; those great facilities of locomotion which have done so much for the rest of the world were having so strong an effect, that it seemed to me the rashest act which a British statesman could be guilty of to predict—still more by his conduct to pre-judge—the settlement of questions which will arise in the future, and which it will be the duty of the statesmen of the future to settle.

MR. KINNAIRD said, he thought the time which had been devoted to this subject had been far from wasted, and that the people of India would be gratified on learning the consideration which it had received. The debate would produce a good effect, for it would show to the people of India that in that House, at least, the conduct of the Council and the Governor of India was watched; and that while they would be at all times ready to do justice to the Native Princes, they would take care not to hand the masses of the people over to Native rule without adopting those precautions which were necessary to their protection. He was glad that the noble Lord (Viscount Cranborne) had reminded the House, both on this and on a former occasion, of the 4,000,000 of people whose interests were vitally affected. He trusted that that population, having experienced the blessings of English rule, would not be given up to the government of Native Princes without ample precautions being taken by the present and succeeding Governments for their future welfare.

SECURITIES GIVEN BY NEWSPAPER PROPRIETORS.—OBSERVATIONS.

MR. MILNER GIBSON said, he rose to call attention to the state of the Law respecting the securities which are required from the proprietors of newspapers and certain other publications, and to ask Mr. Attorney General, in reference to the proceedings which have recently been instituted against certain newspaper proprietors for non-compliance with the Security Laws, whether it is intended to enforce the security system upon all publications to which the security statutes apply? When the newspaper stamp was abolished the provisions of the law relative to newspaper and periodical publications were left unchanged. His right hon. Friend (Mr. Gladstone), when he proposed to abolish the compulsory stamp on newspapers, at the same time proposed to repeal all other provisions of the law which were considered to be connected with the newspaper stamp, and which had been enforced whenever the stamp was enforced. But his successor as Chancellor of the Exchequer, though he put an end to the compulsory stamp, left unrepealed these other provisions of the law in reference to newspapers and periodical publications. Great inconvenience had thereby arisen. Since the newspaper stamp was abolished, his hon. and learned friend (Mr. Ayrton) had twice brought under the consideration of the House the necessity of repealing those regulations which were considered to be connected with the system of newspaper stamps. He twice induced the House to pass a Bill repealing altogether what was called the security system, and the other provisions affecting newspapers and periodical publications. But though the House unanimously passed those Bills, they were rejected in the other House of Parliament. He (Mr. M. Gibson), was now induced to bring the subject under the consideration of the present Government, because he believed the Members of the Government were disposed to entertain the question, and he thought they had sufficient influence with the other House of Parliament to get those provisions repealed. What was the state of the law with regard to the security system? The law was contained in 60 Geo. III. c. 9, which went by the name of one of the Six Acts, and was passed during the time of Lord Liverpool's Administration. It was directed mainly against the periodical publications of that

day, which, whether newspapers or not newspapers, were very often of a seditious, sometimes of a blasphemous character, and frequently contained serious libels. The leading provision of the law was this. That the proprietor of every paper of a less price than 6*d.*, and less than 714 square inches in size, should find bondsmen and enter into his own recognizance as security against the publication of blasphemy and sedition. Any paper that was not less than 6*d.*, and not less than 714 square inches in size, might contain any quantity of blasphemy and sedition without being liable to give security that such offences would not be contained therein. This condition with regard to price and size showed that the object of the law of 60 *Geo. III.* was to restrain small and cheap publications, not to interfere with publications of a high price or of a large size, which might be supposed to circulate among the higher classes of society who would not be supposed to take an interest in seditious or blasphemous publications. He thought it was Mr. Canning who, when the Bill was in the Commons, said—

“Let the blasphemer screw up his courage and charge 6*d.*, and print his matter upon at least 714 square inches, and then he may go free.”

But this law, though it applied to newspapers and periodical publications, applied also to pamphlets. The words of the Act were not limited to newspapers. They were applicable to every description of periodical or non-periodical publications—to publications, in fact, which contained, to use the words of the Act, “remarks on affairs in Church and State.” This was a peculiar state of law, considering the present condition of the press, and the policy which Parliament had recently adopted in encouraging cheap publications, and in pursuing the very opposite course to that which was pursued in the time of *Geo. III.* This Act was afterwards extended by 1 *Will. IV. c. 73*, to cases of private libel, and the amount of the securities was increased. He had frequently said that this was an Act which no Government had the courage to enforce, the grace to repeal, or—he was sorry to say—the good sense to leave entirely in abeyance. There were now going on some prosecutions which were the cause of his now calling the special attention of the Government to the subject. The practice of the Board of Inland Revenue, which was the department intrusted with the enforcement of

this law, was formerly not to enforce those securities against any paper that was not liable to the stamp duty. That was the view of the law which they chose to take, not, as he conceived, in accordance with the words of the statute; but they contended that no paper not liable to the stamp duty was liable to give securities, and the idea prevailed among the public that the stamp duty being repealed the security had become a dead letter. He thought the Board of Inland Revenue was a very improper department—if these laws were to be enforced—to be intrusted with their enforcement. The Board of Inland Revenue was a department for the collection of taxes. It had nothing to do with protecting the morals of the country against improper publications. It had nothing to do with enforcing securities against sedition or libel. The Government, in holding it to be incumbent on the Board of Inland Revenue to enforce the law now that there was no question of revenue in the matter, were imposing on that Board duties which were not germane in any way to their office. If these securities were to be enforced they should be under the control of the Home Office, or some Department of the State, to whom might more immediately be intrusted the care, if they were to be intrusted at all, of the morals of the country. The Board had now—no doubt acting under the advice of the Law Officers of the Crown—decided that though the stamp duty had been abolished it was their duty to enforce this security upon small publications. In the mode in which they were enforcing those securities, they had set up a doctrine of their own. They had not the courage to carry out the statute of *George III.* They said they would only enforce the securities against such papers as would have been subject to the stamp duty if the duty had been allowed to remain—such papers as would have been considered newspapers under the old system of a compulsory stamp. In doing this they involved themselves in the precise difficulty which was the main cause of the repeal of the stamp duty—namely, the definition of what was a newspaper. The difficulty of enforcing the stamp against the numerous unstamped publications was in defining what really constituted a newspaper—what, in fact, was the taxable article news. If they laid down the doctrine that they would enforce these securities only against those papers that

would have been liable to the stamp duty if it existed, they created a difficulty precisely like that which existed when the stamp duty was in force. If they had not the courage to enforce the 60 Geo. III. against all the publications to which it was intended to apply it would be much better to repeal it, and enact such a law as they would be prepared to enforce. He did not make these observations in any spirit of hostility to the Board of Inland Revenue, nor did he complain in the least of the mode in which they had endeavoured, to the best of their ability—under the advice, no doubt, of the Law Officers of the Crown—to enforce the existing law. He thought they had shown great leniency. The tendency had rather been to avoid its enforcement. They had been driven to act in many instances, no doubt, by the private information of persons complaining of unfair competition—persons who said they had entered into securities, while neighbours carrying on precisely the same kind of business had not been required to give such securities. There was a law which required that all newspapers should be registered. He had no objection to registration. He thought that all periodical publications—he objected to the term “newspaper,” because it was so difficult to define—should be required to register the proprietorship, and the names of the publisher and printer, in order that it might be known where persons might resort for redress in cases of libel. But the security system defeated the system of registration. He had lately perused a very good letter of a Mr. Algar on this point. He said he thought it quite necessary that a declaration should be made of the name and address of the proprietor, printer, and publisher, of newspapers, and that they should be duly registered as a protection to themselves and the public, but that the offensive law of security should be repealed. He (Mr. Milner Gibson) thought that he had put the case very well. But Mr. Algar said that with regard to the system of securities he had received some communications from Somerset House asking for information as to whether there had been any change in the imprint of his paper requiring notice to be given under the Act of Parliament. He added that the law being considered almost a dead letter, many newspaper proprietors had not considered it necessary to go through the demeaning ordeal of finding two householders to become bound to the Queen in the

Mr. Milner Gibson

penalty of some hundreds of pounds that they would not commit an indictable offence in carrying on their business. The Act of the 60 Geo. III. was founded on the principle that the publishers of cheap periodicals were the natural enemies of religion, peace, and good order, and therefore that it was necessary to take security against their operations. But the policy of the country had entirely changed since the day when that Act was passed, and instead of the cheap press being considered as the natural enemy of peace and good order, it was now considered the diffuser of intelligence, and the supporter of law, order, and religion. He should like to ask the Attorney General whether he thought that this law, being upon the statute book, should not be enforced. If he thought it should be enforced, how was it that the dispensing power had been exercised in reference to such a large number of publications? Prosecutions had lately been commenced against a small paper called the *East London Observer*. This paper had been in existence for ten years, and had never given securities. It was a non-political paper, perfectly harmless, but it was now proceeded against for penalties amounting to £240, for not having been registered, and giving securities under 60 Geo. III. The proprietor had informed him that he had not the slightest objection to register, but what he objected to was to find somebody to be responsible for his acts. He said that he never had committed any act to render it necessary that securities should be taken for his keeping the peace. Therefore, he had declined to register his paper. He (Mr. Milner Gibson) had been in communication with the Secretary of the Inland Revenue Department, and had asked him to suspend the proceedings until there had been an opportunity of communicating with the Government. He had also been in communication with the late Home Secretary (Mr. Walpole), and from what he said, he conceived he was ready to give a favourable consideration to the alteration of the law. He understood that since then warnings had been given to other papers, and among them the *Owl*. He considered that the *Owl* was not a newspaper in the full sense of the word. It contained articles of news no doubt, but it required a wide construction of the Act to bring it within the term newspaper. Its price was 6d., and therefore its price was not within the statute, but it was printed

upon less than 714 square inches. No paper was required to give security that would not previously to the statute have been liable to stamp duty. Therefore he thought it extremely doubtful whether the *Owl* could be legally warned. Then there was an organ of the working classes, the *Beehive*, and the proprietor of this paper had been warned to enter into securities. This paper was larger than 714 square inches, but then its price was less than 6d. No doubt it was a newspaper, and would have been liable to stamp duty. Another paper which had been warned was the *Hornsey Hornet*. It was formerly a monthly paper, but had lately come out once a fortnight, and because it came out once a fortnight instead of once a month, it was considered that it ought to give securities against the publication of seditious and blasphemous matter. This was a very absurd state of things. He did not bring this matter forward with any desire to embarrass, but rather to suggest to the Government that they should seriously undertake to legislate upon the subject, so as to put the newspaper press upon a satisfactory and proper footing. They might bring forward a measure which would be satisfactory to the country and to the press. There should be registration with moderate penalties, if the law was not complied with, to secure redress in cases of libel. The present state of the law was such that it would not be complied with, and there was no Government which had the courage to enforce it. What would be the effect if the publisher of every small pamphlet less than 6d. in price were called upon to enter into securities that he would not publish blasphemy and sedition. He should like to know why there had been this limited application of the law. He recollected that when the Secretary to the Board of Inland Revenue was examined before the Committee on the newspaper stamp law and the operation of the security system, he (Mr. Milner Gibson) asked him what had been the course of practice with regard to small and cheap publications issued at frequent intervals, which contained essays on political subjects, but which were not newspapers. His answer was that there had been very little practice at all with regard to that class of publications. It would, however, have been more true if he had said that there had been no practice at all, for this reason, that the country would not have submitted to it. Further, he be-

lieved that there was no Government organization that would have been capable of carrying it into effect. His object was simply to obtain information, and to appeal to the Government to lose no time in bringing in a Bill to put a stop to these vexatious prosecutions, which did not at all correspond with the spirit of the times in which we lived. He hoped that in the meantime the Government would allow the prosecutions which had been commenced to stand over until Parliament had an opportunity of considering what changes were required in the law. He believed that the Chancellor of the Exchequer and every Member of the Government who were present concurred in the abolition of these securities. He called upon the Government to act upon the principle that the publisher of a newspaper was not to be considered hostile to society, and a person against whom it was necessary to take precautions that were not considered necessary against a person carrying on any other business. He asked the Attorney General whether he could give any information as to the principle upon which the Government was endeavouring to carry into effect this law; and whether it was the intention of the Government to enforce the law against all publications to which the statute applied?

THE ATTORNEY GENERAL said, it was not his intention to follow the right hon. Gentleman through an examination of the history of the *Hornsey Hornet*, or the *East London Observer*, or the *West London Owl*. He was not equal to the task. Nor did he consider it his duty to vindicate the policy of Lord Liverpool or Lord Castlereagh, as to the regulations to be enforced in regard to the press, or as from the libel law the—

“Good old time when George the Third was King,”

down to the present happy reign of Her Majesty. During all this time the law of which the right hon. Gentleman complained had been in force, and during the whole of the time no effort had been made to interfere with it. [Mr. MILNER GIBSON: It has not been enforced.] He would come to that presently. The law had been allowed to remain all that time in its present state. He should like the House to understand what was the law to which the observations of the right hon. Gentleman applied. If he had listened to the right hon. Gentleman without having previously looked into the matter he should have

thought that he was attacking an Attorney General for libel prosecutions and *ex officio* informations, or something which had been quite unheard of during the time that recent administrations had been in power. It had surprised him to listen to the statements made. The 60 *Geo. III.* was in substance to this effect—that the printer and publisher of newspapers and other pamphlets should find security to meet, among other things, the fines payable in the case of convictions for libel. Recognizances were required to be given, and certain penalties were to be inflicted if they were not given. That was one statute. There was another Act of which he understood the right hon. Gentleman entirely approved—namely, the 6 & 7 *Will. IV.*, for the registration of newspapers. Under that, before, printing and publishing any newspaper a declaration had to be made of the title, the place of printing or publishing, and the name and residence of the printer, publisher, and proprietor. There were also penalties for not attending to those provisions. Such, then, was the law. He did not intend to vindicate its policy, further than to say that he thought it a wise and just law which ought to be maintained. The right hon. Gentleman asked what had been done by the Government in enforcing those Acts? He had inquired, like the right hon. Gentleman, at the Inland Revenue Department, and had found that the course now adopted by that Department was the same as it had always adopted. Certainly it had not acted upon any new instructions from the present Government. Whatever had been done had been done by direction of the former Government. He knew not whether the opinion of the Law Officers of the late Government had been taken upon the matter. But certainly the opinion of those of the present Government had not, and no new instructions had been issued by that Government. The course pursued by the Board of Inland Revenue had been this:—They never stirred till their attention was called by some of the public to a breach of the law in certain particulars. The duty had been imposed on them of seeing that the law was enforced in those particulars. When information was laid before them they acted on that information. The way in which they acted was—certainly in respect to the prosecutions now in force it had been—to write to the parties and ask them for explanations. That took some months—so long a time,

The Attorney General

in fact, that he was strongly under the impression that these matters had been regulated before the present Government came into office. When it was at last found that the parties deliberately refused to obey the law, then reluctantly, and without favour or affection, proceedings were taken to enforce the law. As far as he could learn, there had been only two prosecutions recently commenced. One of them was against the *East London Observer*, to which the right hon. Gentleman had referred. No doubt it was under the Act of the 60 *Geo. III.*, because the persons concerned declined to enter into the recognizances required by that statute to meet any fines or penalties which might be laid on them in the case of their conviction for libel. They had refused to attend to the notice sent to them. They refused even to notice the letters sent. This lasted for months. At last the Department felt bound to do its duty. The other prosecution had been instituted against a newspaper which had declined to register itself, and had incurred the penalties for non-registration. As that was a case of the breach of a law of which the right hon. Gentleman himself approved, he apprehended that that prosecution would receive the right hon. Gentleman's entire approval.

MR. MILNER GIBSON said, that what the party objected to was to being required, in addition to giving his own security, to find some other person also to give security for him.

THE ATTORNEY GENERAL said, the one prosecution was for the non-observance of the 6 & 7 *Will. IV.*, and the other was founded on the 60 *Geo. III.* But whatever had been done had really been done in consequence of the Acts or the neglect of former Governments. It was impossible that he should undertake to deal with the subject in the present Session. That was quite out of the question. The right hon. Gentleman asked why should not the law be enforced if it existed. He answered that it was enforced wherever information of its breach was laid before the department intrusted with that duty. The matter was inquired into, and everything done to prevent a prosecution, if the parties were willing to come to any terms or showed any disposition to obey the law. The right hon. Gentleman asked why something had not been done to amend that law; but he really thought he was entitled to ask the right hon. Gentleman

the same question. As far as he was personally concerned, he felt no shame in acknowledging that his attention had really never been directed to that subject until he saw the right hon. Gentleman's Notice on the Paper. The right hon. Gentleman having brought it forward it would receive their attention. But when the Chancellor of the Exchequer had intimated that nothing short of the exigencies of the State would be allowed to interfere with the progress of the great measure now before Parliament, there was, he thought, not much chance for the Law Officers or any other Member of the Government who might undertake to deal with any such subject as that in the present Session. Nor could he undertake to deal with it in any future Session. He gathered from the right hon. Gentleman's statement that a measure of that kind had twice been carried through that House, but had twice also failed to pass the House of Lords. It was quite clear therefore that any legislation of that description would require much consideration. It might, or might not, be desirable—he did not say that it was—that some such security other than that which now existed as to mere registration should be taken from the press. But the question was not one which the right hon. Gentleman could expect to place on the paper at the beginning of the week, and then call on the Government at the end of the week to bring in a Bill for settling it. As far as he was concerned, he could not undertake to introduce such a measure.

MR. AYRTON said, he was sorry that some more specific answer had not been given to the question put by his right hon. Friend as to the course which the Attorney General had pursued with reference to the proceedings now carried on by the Stamp Office against certain newspapers. Nothing could be more unsatisfactory than the steps which were being taken. That House had twice unanimously approved a measure on that subject which he had himself introduced, condemning the present state of the law and applying a remedy to it, but the other House had not given it their sanction. On the first occasion he had found it difficult, as everybody did, to get a Member of the other House to take up a Bill requiring some intelligent effort on his part to pass it. At last he succeeded in that, but it was then rather late in the Session, and that fact was made a reason for not carrying the Bill through. That measure was considered by

the Government of Lord Derby in 1859, and passed the House with their entire assent. The matter, therefore, was not at all new for the present Administration. On the other occasion when his Bill passed that House, there had been a change of Ministry, and what was called a Liberal Government was in power. Having been formally assented to by a Conservative Government and unanimously agreed to by that House, he thought the Bill was perfectly safe when a Liberal Ministry was installed. But though it received their tacit assent and encountered no opposition in that House, when it reached the other House, to his great amazement the so-called Liberal Government took very good care to prevent its being carried. That was the reason why the law remained in its present condition. He much regretted having to make that statement, because it was extremely inconvenient that a Government making Liberal professions should so carefully manage matters that when a measure of that kind got to the other House it should fail to become law. His right hon. Friend might not exactly like that explanation; but he was bound, in justice to the present occupants of the Treasury Bench, to make it. The blame should be laid on the right shoulders. A law imposing penalties on the people, and therefore one peculiarly coming under the province of that House, had been twice unanimously condemned by it. It was under these circumstances that the Commissioners of Inland Revenue suspended the enforcement of that law. He was astonished to hear from the Attorney General that whenever any one went to the Commissioners of Inland Revenue and asked to have the law put in force for his own purposes, then this Act was revived for the advancement of private ends. The law was undoubtedly enacted for public ends, and it should be enforced by the Government only for public objects. There could not be a greater perversion, he would even say a greater prostitution of this law, than that it should be enforced not by the Government for public objects, but at the instigation of private persons for their own ends. After what had been said he felt sure the Government would not allow the continuance of such a state of things as had been admitted by the Attorney General to exist. Such a law should most certainly not be enforced at the instance of private dilators. This alone was sufficient reason for its repeal and for the suspension of the

present proceedings. He impressed upon the Attorney General the practical injustice of the law. A man undertook an occupation, highly esteemed by some as involving an endeavour to instruct and amuse the people, and the law placed around him such restrictions as placed those who supplied him with materials for carrying on his work in a position of insecurity, inasmuch as the State could come in before all other claimants and demand, in certain events, the discharge of his recognizances. He also thought that, on broader grounds, the law was one that called for repeal. What possible reason could be shown for calling upon a person who, either for pleasure or profit, thought fit to start a newspaper to give recognizances to the Crown for his good behaviour? It might be very right that if a proprietor had broken the law, the Judge should call upon him to find recognizances. But it was extremely unjust that the penalty, that could only be properly imposed after conviction, should be laid upon the innocent and guilty without distinction. The law treated a person who engaged in the publication of a newspaper as if he were a criminal. It not only required recognizances from him himself, but demanded sureties from two others as well. The whole thing was based upon old prejudices, and he was sorry to find the Attorney General giving them reason to suppose that he, too, cherished similarly antiquated and obsolete ideas. He trusted, however, that his hon. and learned Friend would not continue to cherish thoughts so unworthy of him, but would seek enlightenment from the Chancellor of the Exchequer, and agree to secure the abolition of the law in question.

SIR FRANCIS GOLDSMID said, he desired to correct an error into which the last speaker had fallen by stating that the rejection of the amendment to the law in question was secured by the late Government. On reference to *Hansard* he found that its rejection was moved by the present Lord Chancellor.

MR. AYRTON: I said that its rejection was "managed" by the late Government.

REPRESENTATION OF THE PEOPLE (IRELAND) BILL.—OBSERVATIONS.

MR. CHICHESTER FORTESCUE said, he wished to take this opportunity of directing the attention of the Government and the House to the inexpediency

of delaying the introduction of the Irish Reform Bill until after Whitsuntide. He thought the Irish Members had shown considerable long-suffering on the subject. When the Chancellor of the Exchequer gave notice of the intention of the Government so to delay the measure, it was time to address a remonstrance to the Government to induce them to re-consider their intentions. They were now arrived within a week of the month of June, having been for many weeks engaged in the consideration of the English Reform Bill. The Irish Members were now called upon to come to a final decision on the most important part of the Bill relating to England, before they knew anything of the intentions of the Government on the Bill relating to Ireland, or whether the same plans and principles were to be applied to Ireland or not. The Scotch Bill had been introduced, and the people of Scotland were at this time engaged in discussing and considering the provisions of the Scotch Bill. The people of Ireland ought at this moment to be engaged in the same task, or, at the least, they ought to have an opportunity of considering it during the Whitsuntide recess. Having been himself responsible for the introduction of a Reform Bill last year, he might remind the House that the late Government had not given any room for a complaint of this kind. The Lord Advocate and he himself last year introduced the Scotch and Irish Reform Bills before the 1st of May, some time before the House had gone into Committee on the English Bill. There were certain peculiarities in Irish law and practice which made it particularly interesting to Irish Members, and also to English and Scotch Members, to know how the Government proposed to deal with the peculiarities of the Irish question. In Ireland, he rejoiced to say, they were entirely free from the presence of the compound-householder, that formidable enemy of the repose of Parliament whom the hon. Member for Newark (Mr. Hodgkinson) had succeeded in burying, but who threatened to rise again. They possessed in Ireland an admirable system of public valuation, and therefore were free from any difficulties on that head. Again, with respect to the payment of rates, the collection by the Poor Law authorities in Ireland was so perfect that the number of voters struck out from the list in respect of non-payment of rates might be said to amount to nothing, the whole number

Mr. Ayrton

being exceedingly small, and nearly all due to the single city of Dublin, which had a special local collection. There was a point at which the liability of the occupier ceased and that of the owner commenced. At and under the £4 rating in Ireland, the owner alone was liable for the rates of a tenant, and that not by local arrangement, but by the law of the land. They were therefore entirely free from any of those difficulties and abuses which would arise in England and Scotland, now that for the first time the question as to exemption from the payment of rates was to come into contact with the question of the possession of votes. They would be glad to know how the Government proposed to deal with that state of facts in Ireland. Take, again, the question of the grouping of small towns or boroughs, which they already knew was exciting the greatest possible interest in Scotland, and which might possibly excite equal interest in Ireland. Then there was the question of voting papers, as to which the Chancellor of the Exchequer said it was peculiarly applicable to Ireland. If they would produce great mischief and abuse in England, they would be open to ten times as much mischief and abuse in Ireland. There was no middle course between publicity and secrecy, between open voting and vote by ballot. The Irish Members were very anxious to see the intentions of the Government on all these points embodied in the Bill for Ireland. They did not wish the transaction of any business that would interfere with the progress of the English Bill; but he did not suppose that the Chancellor of the Exchequer meant that the Irish Bill was not to be introduced until the English Bill had gone through Committee. They only asked to see the Bill, and would be ready to discuss it on the second reading in the course of time. He thought this was a reasonable appeal to make, and that they were entitled to press it strongly and earnestly on the attention of the Government.

MR. BRADY said, he quite concurred with the observations of the right hon. Gentleman, and must insist that the people of Ireland had a right to see the measure. Unless it were of the same comprehensive character as that introduced for Scotland, Reform in Ireland would be an idle delusion. The people of Ireland objected to voting papers most justly, and he believed if that scheme were carried out they might as well be deprived

of the franchise altogether. If these papers were left at the houses of the electors in the counties, the result would be that bailiffs and agents would follow, and see that they were filled up in favour of the candidates supported by the landlords. In England he could suppose that such a scheme might be carried out, there being an equality between Conservative and Liberal landlords, but the reverse was the case in Ireland. A scheme which might work fairly in the one country would be productive of the most grievous injustice in the other. It was absolutely necessary that the Bill should be laid on the table, and Government would only be doing themselves justice by doing this as soon as possible.

MR. O'BEIRNE was surprised that the noble Lord the Secretary for Ireland thought it consistent with Parliamentary courtesy or expediency to retain in his office a Bill which so deeply concerned the interests of a large portion of the population of the United Kingdom. He (Mr. O'Beirne) could not understand where the difficulty lay. It was manifestly unjust to insist upon passing the English Bill, and obliging Members to affirm principles in it, which they might find to be also contained in the Irish Bill and not at all applicable to Ireland. Last year, the English Reform Bill was introduced on the 13th of March, and the Irish Bill on the 7th of May. This year the English Bill was introduced on the 18th of March, and the Scotch Bill on the 13th of May. They were now arrived at the 24th of May, and were told they were not to have an opportunity of considering the Bill till some indefinite time after the Whitsuntide holidays. Was that fair? Was it convenient? Was it common Parliamentary courtesy?

THE CHANCELLOR OF THE EXCHEQUER: I will answer the question which has been put by the right hon. Gentleman and the hon. Member who has last spoken. If the Government be in fault, it is not my noble Friend (Lord Naas) who is to blame. I am the culprit. My noble Friend, animated by my appeals, made every exertion to overcome the difficulties which present themselves in all similar tasks. But in such matters much depends upon the labours of one's Colleagues. I confess, for myself, that I have been remiss, though I have not been negligent, the pressure of affairs having drawn off my attention in other quarters. I do not think the right hon. Gentleman and other hon.

Members have as much cause for complaint as they would endeavour to make the House believe. After all, the Irish Bill of last year—and the Government of last year had not to contend with the difficulties which stare us in the face—was brought in in May, and this is still the month of May. Though there will be some further delay, it will not be a very great delay. Hon. Gentlemen may rely on it that I shall not hurry them to a decision on the second reading. They shall have ample time to consider the Bill, and I think they will have no cause to complain that they have been badly treated. I hope the provisions of the Bill will be such as to be satisfactory to the Irish Members. But I must confess that the criticisms which we have just heard are not encouraging. One hon. Gentleman expresses a hope that the three Reform Bills will be all alike. Another, referring to a particular provision in the English Bill, says that should it be contained in the Irish Bill he should prefer to have no Bill at all. I do not want the House to come to any decision now as to the merits of voting papers. But as they have been proposed for England and Scotland, I am afraid that if they were not in the Irish Bill some hon. Gentleman might rise and state that we were not disposed to treat Ireland with a fairness equal to that shown to England and Scotland, though I can assure them that we are anxious to do so. I throw myself on the indulgence of hon. Gentlemen, and promise them that the Irish Bill will be brought in immediately after Whitsuntide. Before any hon. Gentleman from Ireland decides that this is a case of hardship, I would observe that I do not think any one would like to spend the short vacation we are to have at Whitsuntide in the consideration of the suffrage. Irish Members may rely upon it that I shall endeavour to make up for the delay. I alone am responsible for it, and I hope they will extend their indulgence to me till immediately after Whitsuntide.

MR. ESMONDE said, he thought the right hon. Gentleman had again, as he had on several former occasions, treated them with a good deal of chaff. The right hon. Gentleman had with great adroitness gone off, not after the hunted hare, but after the hare started by the hon. Member (Mr. Brady), who had touched upon the provisions of an imaginary Bill. On all former occasions the Irish Reform Bill had been brought in with, or immediately after, the

English and Scotch Bills. The Irish Members were, of course, helpless in the matter. They had not acted upon any obstructive policy with reference to the English Bill. The Irish Members had been long-suffering, and were still suffering, and they were now asked to vote on the most vital and important clause of a Bill before they knew what their own fate was to be. They had, in fact, been treated with contempt ["Oh!"]—he repeated, with contempt and derision.

MR. VANCE said, that he could not agree with the hon. Gentleman that Irish matters had been neglected during the present Session. Even topics that ought never to have been introduced had been listened to with the greatest patience. The hon. Gentleman had stated that Irish Members were long-suffering; but he did not know any grievance under which the hon. Gentleman was suffering, except exclusion from the office he had enjoyed under the late Government. With regard to the Irish Reform Bill, he thought the right hon. Gentleman the Chancellor of the Exchequer had given sufficient reasons to show why it could not be introduced at an earlier period, and he thought it unreasonable to make any complaint with respect to the delay of a few days.

THE O'DONOGHUE said, he was glad the discussion had elicited the fact that there was to be an Irish Reform Bill. There were rumours to the contrary. He did not see any necessity for the Bill being brought in immediately, nor was he at all anxious to anticipate the discussion upon its details. There was one point on which he thought they were entitled to an explanation, and which the noble Lord (Lord Naas) could at once clear up, and that was whether the Irish Reform Bill was to be based on the same principle as the English and Scotch Reform Bills.

MR. KENNEDY regretted that the Irish Bill had not been introduced at the same time as the English and Scotch Bills. Irish Members might then have discussed the provisions of the Irish Bill without being embarrassed by the provisions in the English Bill.

THE LIBRARIAN OF THE HOUSE OF COMMONS.—OBSERVATIONS.

MR. DARBY GRIFFITH said, he rose to call attention to the official doctrine lately put forward that any part of the Estimates is withdrawn from the cogni-

The Chancellor of the Exchequer

zance and regulation of the House. The Committee of the House, appointed nineteen years ago to inquire into the salary and duties of the Librarian, reported that that officer was in receipt of £800 per annum. As a vacancy had recently occurred, this was a fitting occasion to make inquiries on the subject. It had been recently stated in the House that the matter rested with certain high officials, and that consequently it did not come under the cognizance of the Treasury. He considered it the duty of the House to examine every portion of the Estimates. When he asked for information as to the salary of the Librarian and others connected with the House, he was told by the Secretary of the Treasury that he had nothing to do with the subject. Such a course, he thought, was opposed to the rights and privileges of the House. He hoped and expected that in future a responsible official would be answerable to that House with respect to the salary of the Librarian.

MR. HUNT said, that the answer which he made the other night was perfectly correct with reference to this subject, of which, at that time, he possessed no official knowledge whatever. His hon. Friend showed some confusion of ideas when he connected the knowledge of the Secretary to the Treasury concerning the matter with the cognizance of that House. The hon. Member, however, could not say that the question of the Library was not submitted to the House, for it was on the occasion of the Vote for the Library being passed that he gave the reply which had been referred to by the hon. Gentleman. Generally speaking, changes in the Civil Service came before him officially. But the Speaker of the House, assisted by the Chancellor of the Exchequer and the Home Secretary, were in the habit of making arrangements as to the Librarian. These arrangements were in due course communicated to him, and he inserted the necessary items in the Estimates. The change which had taken place this year was effected after the Estimates had been prepared, but he believed it had been sanctioned and recognised by the House.

Motion, "That Mr. Speaker do now leave the Chair," *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY *considered in Committee.*

(In the Committee.)

(1.) £37,600, to complete the sum for the Dublin Metropolitan Police.

(2.) £641,513, to complete the sum for the Constabulary Force, Ireland.

(3.) £1,724, to complete the sum for the Four Courts Marshalsea Prison, Dublin.

(4.) £15,400, to complete the sum for Inspection and General Superintendence of Prisons, &c.

(5.) £245,677, to complete the sum for Prisons and Convict Establishments at Home.

MR. ALDERMAN LUSK said, he had to complain of the inadequate pay of the clerks. The clerks had as heavy work to do as any men of their class. They had the bookkeeping to do, correspondence to keep up, returns to make, and all sorts of work to attend to. For all that they had not as good pay as ordinary artizans, for the highest class of the clerks were only paid £130 a year, rising to £160, while the lowest class had only £60 a year. About eighteen months ago the Treasury were recommended by the heads of the department to increase the clerks' salaries by 20 per cent, and he hoped that subject would receive some attention.

MR. SELWYN said, he wished to call attention to the fact that there was a great difference in the amounts charged for clothes for the prisoners at the various prisons. At one prison the amount was 50s. per man, at another only 40s.; and in Ireland and Scotland it was still lower, ranging from 27s. to 36s.

MR. HUNT said, that the difference in the cost of clothing of prisoners in the various prisons arose from the fact that in some of the prisons old material and clothing had been made available, while in others the material had to be renewed and the pattern had been changed. It would, of course, follow that the expense in the case where the material had been renewed would not continue so great as it was now.

MR. OTWAY said, he had to complain of the low amount of the clerks' salaries, and to urge that some alteration should be made. The clerks in the convict prisons were, compared with clerks in other Government Establishments, placed at a great disadvantage. He hoped the Treasury would take their case into consideration.

MR. THOMSON HANKEY said, he thought the Committee should have some positive evidence before them to show that the salaries were really inadequate before they made any change. It really required the support of independent Members of Parliament to strengthen the hands of the Treasury so as to enable them to resist the pressure that might otherwise be brought to bear upon them—by hon. Members on behalf of their constituents—for the increase of salaries.

MR. CHILDERS said, there was nothing more difficult in the arrangements of the service than to settle these questions with regard to salaries, and he hoped his hon. Friend (Mr. Alderman Lusk) would consider all that it involved before he pressed the matter. The salaries of all the officers attached to these prisons were regulated according to a certain scale, and if they increased the pay of one class, they must increase that of all other classes.

MR. HUNT said, that the raising of the salaries of one class of servants frequently involved the proportionate raising of the salaries in other classes, and it was a very difficult thing to apportion salaries satisfactorily. When there was a vacancy for a clerkship there was a great scramble to get the place. But when the place was obtained the holder of it before many months came to the Treasury and said his pay was not sufficient. As far as he could, he (Mr. Hunt) had discharged his duty conscientiously with respect to those persons, but the difficulty of the Secretary of the Treasury would be increased if every Member of Parliament acquainted with any clerk would bring forward in Supply the question of raising his salary. Before hon. Members pressed such applications upon the Treasury they should seriously consider what they were doing.

Vote agreed to.

(6.) £215,099, to complete the sum for Maintenance of Prisoners in County Gaols, &c., and Removal of Convicts.

(7.) £15,709, to complete the sum for Transportation of Convicts, &c.

MR. CHILDERS said, he wished explanations of the items for the removal of convicts to Western Australia and to Gibraltar. It had been understood that transportation was to cease. Public works at Chatham and Portsmouth were in arrears because there were not convicts to set to work upon them.

MR. ADDERLEY said, that no decision

Mr. Otway

had yet been come to with respect to discontinuing transportation to Gibraltar. No convicts had been sent during the past year, owing to the large number that were wanted upon works at home. Transportation to Western Australia would cease next year.

MR. HUNT said, that a correspondence had taken place with regard to the convict establishment at Gibraltar, with a view to a reduction of the expense. The Government had found it impossible to reduce the establishment all at once, but as vacancies occurred the establishment would be reduced as far as was consistent with the security of the convicts.

Vote agreed to.

(8.) £113,886, to complete the sum for Convict Establishments in the Colonies.

(9.) £801,623, Customs, Salaries and Expenses.

(10.) £1,332,707, for the Inland Revenue Departments.

In reply to Mr. Alderman LUSK,

THE CHANCELLOR OF THE EXCHEQUER said, that the question of the taxes on locomotion was engaging the attention of the Government.

Vote agreed to.

(11.) £2,438,929, Post Office, Salaries and Expenses, &c.

(12.) 471,741, Superannuations, &c., in the Departments of Customs, Inland Revenue, and Post Office.

(13.) £1,700,000, Exchequer Bonds.

MR. HUNT said, that as several hon. Gentlemen who were not present were interested in the Vote to defray the expenses of the Post Office Packet Service, he should move that the Chairman report Progress.

House resumed.

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

ECCLESIASTICAL TITLES AND ROMAN CATHOLIC RELIEF ACTS. NOMINATION OF COMMITTEE.

MR. MACVOY moved that the following Members be nominated to serve on the Select Committee on the Ecclesiastical Titles Act:—

MR. MACVOY, MR. GREGORY, MR. HOWES, MR. COLERIDGE, MR. WALPOLE, MR. MOWBRAY, MR.

DAWSON, Mr. McKENNA, Mr. NEWDEGATE, Mr. CHICHESTER FORTESCUE, Sir WILLIAM STIRLING-MAXWELL, Mr. W. E. FORSTER, Lord FREDERICK CAVENDISH, Mr. BRUCE, and Mr. BENTINCK.

Motion made, and Question proposed, "That Mr. MacEvoy be one Member of the Select Committee."

MR. VANCE said, he objected to the constitution of the Committee as unfair.

MR. MACVOY : Whom does the hon. Member object to?

MR. VANCE : The Irish Members. I move the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Vance.*)

The House divided:—Ayes 9; Noes 13: Majority 4.

House adjourned at a quarter before Two o'clock, till Monday next.

HOUSE OF LORDS,

Saturday, May 25, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—Habeas Corpus Suspension (Ireland) Act Continuance (No. 2) (114); Pier and Harbour Orders Confirmation (No. 2) * (115).

HABEAS CORPUS SUSPENSION (IRELAND) ACT CONTINUANCE (No. 2.) BILL—(No. 114.)—(*The Earl of Derby.*)

Bill read 1^a.

THE EARL OF DERBY said, he proposed to take the second reading on Monday.

LORD DENMAN said, he desired to draw attention to the circumstances which unfortunately rendered the continuance of the suspension of the Habeas Corpus Act necessary in Ireland, and to the statement that had appeared in the papers that no appeal for mercy in the case of the Fenian Burke would be effectual in procuring a commutation of his sentence.

THE EARL OF DERBY said, he thought it inexpedient that their Lordships should on that occasion consider the exercise of the prerogative of mercy by the Crown, because the matter then before them did not in the slightest degree touch the question whether the sentence of death which

had been passed upon one of the prisoners should be carried out. The question before them was, whether they should continue to the people of Ireland the protection which they derived from the suspension of the Habeas Corpus Act.

Bill to be read 2^a on *Monday* next.

House adjourned at a quarter past Three o'clock, to Monday next, Eleven o'clock.

HOUSE OF LORDS,

Monday, May 27, 1867.

MINUTES.]—PUBLIC BILLS—*Second Reading*—National Debt * (111); Habeas Corpus Suspension (Ireland) Act Continuance (No. 2) (114).

Committee—Criminal Law * (81); Labouring Classes Dwellings Acts (1866) Amendment * (104); British Spirits * (103).

Report—Labouring Classes Dwellings Acts (1866) Amendment * (104); British Spirits * (103).

Third Reading—Office of Judge in the Admiralty Divorce and Probate Courts (102); British White Herring Fishery * (80); Sale and Purchase of Shares * (74).

THE CONDEMNED FENIAN PRISONERS. QUESTION.

THE EARL OF CLARENDON: My Lords, I desire to put a Question to my noble Friend at the head of the Government with respect to a subject which, during the last few days, has painfully occupied public attention. I allude to the case of the condemned Fenian prisoners. I feel quite convinced—as I am sure your Lordships do—that their case has been considered not only with the greatest care, but with the deepest anxiety, by Her Majesty's Government, and that every argument for and against the expediency of extending the Royal prerogative of mercy to the criminals has been scrupulously weighed, and that it must have been only from an imperative and overwhelming sense of duty that after personal conversation with the Lord Lieutenant he was instructed to forbid any hope that the convict's life would be spared. Public feeling, however, has—at least so far as respects this country—become so strongly excited since that announcement was made, that it is no exaggeration to say that general and almost unanimous satisfaction was felt when it

was known on Saturday that my noble Friend had informed the deputation of Members of Parliament which waited upon him that the arguments they had adduced in favour of mercy would be considered by the Cabinet. Now, my Lords, if the result of that consideration has been such as to justify my noble Friend in advising Her Majesty to exercise her prerogative of mercy, I am sure there would be no person who would feel more relieved at that result than my noble Friend himself, and that he would be glad to take this opportunity—the first that has presented itself—of informing us of that decision.

THE EARL OF DERBY: My Lords, I can assure my noble Friend who puts this Question to me that he has not, in the slightest degree, overrated the deep anxiety which I and my Colleagues have felt in taking into consideration this most painful subject. I do not believe that any person who has never experienced the awful responsibility of deciding on the life or death of a fellow-creature can duly estimate the anxiety felt by Her Majesty's Government in dealing with this case—the pain with which they came to the conclusion that there was nothing in the circumstances of the case to justify the exercise of the prerogative of mercy, and the corresponding feeling of relief when, not only by the re-consideration of the case, but by the consideration of the general public feeling and opinion of the country, we were enabled to come to the unanimous conclusion that we were justified in advising Her Majesty to exercise Her Royal prerogative of mercy. To our united representation we received Her Majesty's gracious approval at a late hour last night. My Lords, the life of the convict Burke will therefore be spared. I am sure not one of your Lordships can rejoice more sincerely than I do that we have been enabled to come to that conclusion. We have not done so without experiencing extreme doubt and extreme difficulty. In the circumstances of the case itself we sought in vain, when we came to our decision on Wednesday last, any circumstances which might be regarded as mitigating or palliating the guilt of the unhappy convict. It is very easy to talk lightly of such matters—to say that there is little guilt in political offences, and that allowances should be made in respect of offences of that description. But, my Lords, this was no ordinary political offence—it was not a case arising out of civil war, in which

The Earl of Clarendon

passions and strong feelings are excited, in which interests and principles are involved, and in which all parties are bound in the end to look with tenderness upon the conduct of those who have been worsted; it was a case of unprovoked attack upon a peaceful community and of violation of the rights of hospitality which the convict enjoyed as a citizen of a friendly country. Burke was in Ireland as one of the chief organizers of a treasonable conspiracy, the criminality of which was only equalled by its absolute folly and insanity; he proposed to levy a war in Ireland, and no thanks are due to him and his fellow conspirators that the country was not deluged with blood in consequence of his acts. If, my Lords, Her Majesty's Government had not promptly met the first indications of treasonable conduct, the slightest appearance of success on the part of the malcontents might have produced a state of things the horrible results of which can be hardly conceived of. And, as it is, the course pursued by these criminal men has had the effect of creating universal panic throughout Ireland, of breaking down confidence between man and man, of subjecting a large portion of the country to loss of property, to insecurity of life, to the necessity of taking steps for self-preservation, of producing, in short, a state of things which has put back the increasing prosperity of Ireland for I know not how many years. And Burke's was no trivial offence; he was not only one of the original promoters of this conspiracy, which has been carried on for many months, but he actually appeared in arms at the head of a body of men who ventured to meet Her Majesty's troops; and the fact that no blood was shed, that no serious calamity occurred upon that occasion, is attributable only to the panic which seized his wretched followers and caused them to throw down their arms the moment the troops appeared and take refuge in flight—Burke himself being discovered concealed in the ditch of a field in which he had taken refuge. In all this I can see no palliation, no mitigating circumstances; and looking to the alarm which has been created in the country and the serious consequences attending it, and, considering the protection which peaceable subjects have a right to expect from Her Majesty's Government, we felt that we might be open to censure if we abstained from making an example—that it might lead to unfortunate results—that we might be failing in our duty if we refrained

from giving that protection it is the duty of a Government to give—if we refrained from making a signal example of the principal offenders. We therefore, at a meeting of the Cabinet on Wednesday last, looking to the circumstances of the case alone, saw no grounds for mitigating the sentence, and, with pain and reluctance, we advised Her Majesty to let the law take its course. But I am happy—indeed, most happy—to say that between Wednesday and Saturday we received such strong representations from various quarters entitled to the highest respect that it was the almost universal feeling of the country that it would be most desirable if the prerogative of mercy were not upon this occasion withheld; we had such assurances from those who are most conversant with the feelings of the Irish people that, whereas on the one hand the infliction of extreme penalties might create terror, it would at the same time create irritation and exasperation, and, on the other hand, that, considering the complete exposure of the absolute folly and insanity of the contemplated revolt, the extension of mercy, even to this most culpable man, might have a beneficial effect upon the warm and grateful hearts of the Irish population generally. That we yielded not more from our own anxious desire to find just grounds for exercising the prerogative of mercy than from the feeling that in doing so a vindication of our conduct would not be required of us by the country. In deference, then, to a strong public feeling, and in contemplation of the beneficial results which might attend the exercise of mercy, and, on the other hand, the extreme doubtfulness of the consequences which might result from withholding it, we felt justified in expressing to Her Majesty our unanimous opinion that the prerogative of mercy should be extended even to this extreme case. We may have erred, but if we have erred in extending mercy to this criminal we have erred on the side of leniency, and on that side, I am sure, our recommendation will meet the favourable consideration of your Lordships and the indulgent approval of the country.

THE EARL OF ELLENBOROUGH: My Lords, I can only express a hope that the saving of the life of this great criminal will not materially add to the dangers which always surround the lives of the good and loyal among Her Majesty's subjects in Ireland.

THE EARL OF DERBY: My Lords, in

the observations I have made I omitted to state that subsequent to the determination of Her Majesty's Government we received a letter from the Lord Lieutenant of Ireland stating the feeling that prevailed in that country, and conveying his strong recommendation that we should advise Her Majesty to spare the criminal.

LORD INCHQUIN addressed some observations to their Lordships which were inaudible.

OFFICE OF JUDGE IN THE ADMIRALTY, DIVORCE, AND PROBATE COURT BILL.

(The Lord Chancellor.)

(NO. 102.) THIRD READING.

Order of the Day for the Third Reading read.

Moved, "That the Bill be now read 3^a."
—(The Lord Chancellor.)

LORD CRANWORTH, in rising to move an Amendment that the Bill be read a third time that day six months, said, that the proposal to create two new Judges for these Courts was founded partly upon the ground that the business had of late years greatly increased, and partly on the ground that the duties of the learned Judges presiding over these Courts would become heavier in consequence of certain Bills in course of progress through the other House. At the earlier stages of the Bill he (Lord Cranworth) suggested that the Bill should be postponed until the measures referred to were before their Lordships, so that they might both be considered at the same time; and to this his noble and learned Friend (the Lord Chancellor) consented. About a fortnight since, however, his noble and learned Friend informed him that there were reasons why the Bill should be immediately proceeded with. Those reasons were not to be found on the face of the Bill itself, but arose from the fact that the arrangements on the Northern Circuit were unequal to the business. His noble and learned Friend, taking that circumstance into account, inserted a clause in Committee, providing that the two puisne Judges of this Court should also be two of Her Majesty's Judges of assize; so that the object of the alteration in the present system was not that the two new Judges should act in the Probate and Admiralty Courts, but that they should assist in the administration of the law on circuit. He (Lord Cranworth) now proposed to state to their Lordships his objection to the provisions of the Bill. Its avowed purpose,

in the first place, was to increase the strength of the Probate and Admiralty Courts in order to constitute a high Court, whose proceedings were to be governed by the civil law, and where, as his noble and learned Friend believed, important international questions might be decided with advantage. He (Lord Cranworth) knew that there were arrears in the business of the Divorce Court; but that was not the case in the Court of Admiralty, which was presided over by a Judge of whom no man could be more inclined than he was to speak with the highest respect. That there were no arrears in that Court, however, was said to arise from the fact that during the last five years the learned Judge who presided over that Court had sat the high average of eighteen or eighteen and a half weeks during each year. But, still, it could not be maintained that eighteen weeks were sufficient to exhaust the judicial mind; and unless it was shown that the arrears were such in the Divorce, Probate, and Admiralty Courts—were such that they could not be kept down by an addition to the sittings of seventeen or eighteen weeks a year, no case could be made out for the appointment of a fresh Judge to these Courts. How was the time of the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer apportioned? The regular sittings in London and Westminster lasted altogether about twenty-five weeks, and the circuits occupied an additional ten weeks, making altogether thirty-five weeks during which the Judges were engaged either *in banco* or at *Nisi Prius*. Was it, then, impossible so to re-distribute the judicial duties as to enable the work now in arrear to be performed with an un-augmented staff of Judges? An increase in the number of Judges would be in itself an evil; for the multiplication of Judges invariably led to a multiplication of appeals and uncertainty of law. He proposed to show that the present staff of Judges might do all that his noble and learned Friend proposed to accomplish. The sittings *in banco* of the Common Law Courts occupied thirteen weeks, and during this time there were four Judges sitting in each Court. Now, he was perfectly convinced that the fourth Judge did no good; but, on the contrary, produced an evil effect. When there was a Chief with two subordinate Judges sitting one on each side of him, it was very easy to collect the minds of all three; but the fourth Judge necessarily sat outside; it was more difficult

Lord Cranworth

to communicate with him, and he became an impediment rather than an assistance. If this were so there were during thirteen weeks of the year one Judge in each of the three Courts at disposal for other work, and what he would propose was that these three Judges should be made the means of clearing up all arrears of business upon the circuits. It had been suggested that such an arrangement as he proposed would be inconvenient for counsel; but the duty of their Lordships was to provide an adequate judicial staff, and not to consider the convenience of counsel. But whatever difficulty there was in existence at present, he thought that the present proposal would create very much greater difficulty. His noble and learned Friend proposed to constitute an important Court which would be governed by the principles of the civil law; but if he should succeed in doing this, in what sort of a predicament would he be in? In consequence of his proposal for employing the Judges on circuit, the Admiralty, Divorce, and Probate Courts would be left with only one Judge during ten of the business weeks of the year; and much of the business of the Admiralty Court was of a kind that required to be instantly attended to, and very serious consequences would arise from two of the proposed Judges being on circuit. These were his reasons for thinking that there was no necessity for having additional Judges, and that very great evil would arise from adopting the course proposed in the noble and learned Lord's Bill. He further thought that his noble and learned Friend had a great opportunity for taking a step which it was most desirable should be taken; but he was sorry that the step which he proposed to take was in the contrary direction. They had heard much of the great advantage which would arise from a fusion of our systems of law and equity. He himself had always been timid in reference to this question, and thought that the evils of the existing system were exaggerated; but his noble and learned Friend proposed to constitute a Court which should remain apart, and which he thought might well be brought in union with the Common Law Courts. Whatever difficulty there might be in a fusion of the Law and Equity Courts, there could be no difficulty in conferring upon this new Court the same jurisdiction as was possessed by the other Courts in Westminster Hall. His noble and learned Friend talked of the civil law being administered in the Probate, Divorce, and Admiralty

Courts; but the truth was that four-fifths of the law now administered there was not the civil law, but was regulated by statute. What question was there brought before these Courts that was not fit to be determined in either of the three other Courts? In cases of divorce the question to be tried was one of fact; questions as to wills were often brought before the Common Law Courts; and with regard to the Admiralty Court, there was a little difference of practice between it and the other Courts which it was expedient should be got rid of. The Admiralty and the Common Law Courts had concurrent jurisdiction in many matters; for instance, in cases of collision at sea; but the result in one Court might be different from what it was in the other. By the common law a person could not recover unless he showed that there had been no contributory negligence on his part; but the law was different in the Admiralty Court; and this, to his mind, was a very scandalous state of things, which he should have been glad to see his noble and learned Friend try to remedy. In these Courts there might be some few rules not derived from the common law; but this could occasion no difficulty. His noble and learned Friend himself had frequently practised as an advocate and had presided as a Judge in the Privy Council, before which causes were brought up from almost every Court practising almost every code of jurisprudence on earth. He had now stated his reasons for objecting to the propositions of his noble and learned Friend's Bill, and trusted he had justified himself before their Lordships in proposing that it be read a second time that day six months.

An Amendment *moved* to leave out ("now") and insert ("this Day Six Months.")—(*The Lord Cranworth.*)

THE LORD CHANCELLOR said, he had not the slightest intention of making any complaint as to the lateness of the period when his noble and learned Friend offered this active opposition to the Bill. His noble and learned Friend had very fairly and correctly stated the circumstances under which the delay had taken place, and the only question their Lordships had to determine was whether the opposition now offered at this last stage of the Bill was well-founded or not. He must say, with very great respect to his noble and learned Friend, that he thought he had taken a much too narrow view of this question, and that if he had extended

his consideration to all the objects it was proposed to gain, he was quite sure his candid mind would have come to a different conclusion. He was anxious as shortly and clearly as he could to explain to their Lordships the grounds upon which, after careful and deliberate consideration, he had felt it to be his duty to propose the measure he now offered for the acceptance of Parliament. The question of the union of the three Courts of Admiralty, Probate, and Divorce had been already under the consideration of Parliament. In the year 1857, when the Probate Court was constituted, there was a clause introduced into the Bill that, in the event of a vacancy in the Judgeship of the Court of Admiralty, the Judge of the Court of Probate should become the Judge of that Court. In the next Session the Divorce Court was established, and the Judge of the Probate Court was made the Judge Ordinary of that Court; therefore it was in contemplation of the Legislature that the three Courts of Admiralty, Probate, and Divorce should be united under one head. There had been a very considerable miscalculation as to the amount of business to be disposed of in those three Courts, and he hardly considered that his noble and learned Friend would find it would be possible for one Judge to dispose of it. Soon after he became Chancellor his attention was called to the state of the different Courts, and the necessity of introducing some improvements in the administration of justice. At the beginning of the present year his right hon. and learned Friend Dr. Lushington, who had so long presided, with the greatest ability, in the Court of Admiralty, intimated to him his desire to resign his office; and it was due to his right hon. and learned Friend to say that he only consented to delay his resignation that he might not by his retirement interfere with any arrangements it might be thought necessary to make. The occasion therefore was about to arise which had been contemplated by the Legislature, and when he had to consider whether it would not be possible to carry out their intention by the union of the three Courts of Admiralty, Probate, and Divorce under one head, he was perfectly satisfied, from the information he had collected, as to the rapidly increasing business of all these Courts, that it would be quite impossible satisfactorily to administer justice in them unless a very different provision was made for its administration than that which the

Legislature had contemplated. In glancing over the whole subject, which was a very large one, and considering what was the best way of providing for the administration of justice, he had, in the first place, to provide for the rapidly increasing business in the Admiralty, the Probate, and the Divorce Courts; he had to meet a demand, under circumstances he would explain presently, for additional Judges, and also to provide some assistance to the Judicial Committee of the Privy Council. This latter matter, which appeared now to be entirely overlooked by his noble and learned Friend, although at an earlier period it had not escaped his attention, he considered to be of the most vital importance. Their Lordships were aware that that tribunal had for a long time been held in very high repute, and he believed that this great reputation had been owing in a very great degree to the constant, unremitting attendance and ability of his noble and learned Friend Lord Kingsdown. His noble and learned Friend had for many years constantly attended that Court, and he had certainly raised it in the estimation of the country. In earlier times the Judge of the Prerogative Court and the Judge of the Admiralty Court were constant attendants at the Privy Council; and it was very important that Judges of that description should be members of the Privy Council, because from the peculiar nature of the business brought before that tribunal it was essential they should be conversant with maritime, testamentary, and matrimonial causes. When Dr. Lushington was appointed in 1838 to the office of Judge of the Court of Admiralty it was upon the express condition, or at least upon the understanding, that he should constantly attend the Judicial Committee of the Council. For twenty-five years that learned Judge scrupulously and punctually did his duty in that respect; but for the last two or three years, his attendance had only been occasional and rare. With respect to the Judge of the Prerogative Court, his place might be considered to have been supplied by the Judge of the Probate and Divorce Court; but there was so much business to transact in this latter Court, that the present Judge of the Court had never been able to attend the Judicial Committee of the Privy Council. Consequently, the state of business in the Privy Council was such as to occasion uneasiness as to its proper discharge. The Lords Justices, who were important

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members of the Judicial Committee, were so overwhelmed with the business in their own Court that they were unable to give much attendance at the Privy Council, and the consequence was that there existed an absolute necessity to provide a permanent member—a high judicial functionary of that particular description he had pointed out—to attend at all the meetings of the Judicial Committee. That he considered to be the most important object of the present Bill. In this state of things the problem he had to solve was how to meet, in the best manner, all the demands for the improvement of the administration of justice; and he confessed that he desired to take advantage of the opportunity afforded of constituting a Court of high character and dignity, which, deciding on the principles of civil and International Law, should attract to it a bar trained to the study of that department of jurisprudence. He was of opinion that the public and the profession had not profited by the absorption of the Advocates of Doctors' Commons into the general body of the profession. The training of the Common Lawyers and of the Advocates was of a totally different character. The training of the Advocates of Doctors' Commons was mainly founded on the principle of civil and International Law; and when their Lordships reflected that out of that body had always been selected the Queen's Advocate, whose responsible office it was to advise the Foreign Office on business in which important principles of International Law were frequently involved, he confessed he felt some apprehension when he attempted to devise how that office was to be filled hereafter—he feared that in consequence of the change which had been made, in future years there would rarely be found a lawyer duly qualified for that responsible duty. Moreover, he thought that by constituting a Court of this description, those questions of International Law which arose from time to time and were of extreme difficulty, would be decided by a tribunal which would obtain the respect and confidence of foreign countries. In the Admiralty and Divorce Courts it constantly happened that there was occasion for the assistance of an additional Judge. In the Admiralty Court the witnesses were seafaring men, who, being of migratory habits, could not be detained in this country until a case came on for hearing. Therefore, the cases in which they were witnesses must be delayed for their attendance, or the examination of the

witnesses must be taken before an Examiner, which was a most inconvenient mode of taking evidence. It was most desirable, therefore, to devise means by which this inconvenience would be removed. According to the present Bill two Judges would be able to sit in Admiralty cases, and thus all the delay and inconvenience would be avoided. So also with reference to the Divorce Court. It constantly happened that days were appointed for taking special jury cases, and the common jury cases had to stand over until these had been disposed of; but it could not be known when these would be called on, and a memorial had been presented to the Judge of the Court, from solicitors in the country, pointing out the expense incurred in being obliged to bring up their witnesses under the expectation that their causes might come on, and then being obliged, in consequence of the special jury cause lasting longer than they had anticipated, to return again to the country with them; and this would sometimes occur two or three times over. That was an occasion when an additional Judge would be of the greatest service—one Judge trying special jury causes, while another was engaged in trying common jury causes. Then, with regard to the Judicial Committee of the Privy Council, that tribunal might be assisted by the Chief Judge of the united Court of Admiralty, Probate, and Divorce, while the two other Judges were sitting for the despatch of Admiralty, Probate, and Divorce causes; and he meant to require that the learned Chief Judge should be a constant member of the Judicial Committee. His noble and learned Friend adverted to the business in the Court of Admiralty; but he never seemed to take into account the business in the Probate and Divorce Court, for which the present Bill provided. He would not trouble their Lordships with statistics, but would content himself with saying that in the Probate and Divorce Court there was an arrear of 195 cases—namely, thirty cases in probate and 165 divorce causes. He wished to point out to his noble and learned Friend, who said that there was no need for two additional Judges, that he only proposed to make one. There would be the Judge of the Admiralty Court and the present Judge of the Probate Court, together with a third Judge additional, but not two Judges additional. His noble and learned Friend was not always of opinion that no additional assistance was ne-

cessary in the Probate and Divorce Court. At the end of last Session his noble and learned Friend laid on their Lordships' table a Bill intituled "An Act for facilitating the proceedings of the Judicial Committee of the Privy Council and of the Court of Probate and Divorce." He (the Lord Chancellor) took it for granted that that Bill was presented after due and careful deliberation, and it declared that whereas the business of the Judicial Committee had greatly increased since its first institution, it was expedient to make better provision for the due discharge of that business, and also to make provision for the more speedy discharge of the business in the Probate and Divorce Court. His noble and learned Friend proposed by that Bill to take a Judge from one of the Superior Courts of Common Law who had served for ten years, allowing him to retire on the pension to which he might be entitled after fifteen years' service, and to add to that income a salary of £1,500 a year. This Judge was to be constituted Vice President of the Judicial Committee of the Privy Council, and, as far as consistent with the discharge of his duties connected with the Judicial Committee, he was to assist the Judge of the Probate and Divorce Court. He (the Lord Chancellor), under those circumstances, was, he thought, justified in saying that his noble and learned Friend had proposed to create an additional Judge, and that he held the opinion that it was absolutely necessary to provide further assistance for the due disposal of the business in the Court of Probate and Divorce. He must, however, observe that he did not very much approve the ambulatory Judge suggested by his noble and learned Friend; but he had referred to his proposal on the subject simply to show that he had not always maintained that the Probate and Divorce Court stood in need of no assistance, or that the services of an additional Judge might not with advantage be secured. Passing from the Bill of the noble and learned Lord—who was, of course, perfectly entitled to change his views upon the matter—he would point out to the House how important it was that a full Court of Divorce should be obtained by means such as those which he had submitted to its consideration. When questions of law had to be decided in that Court the Judge Ordinary was, under the existing system, in order to constitute a full Court, obliged to borrow two Judges from the Courts of Common Law. Now,

those Judges had already quite enough to do, and it was very inconvenient to them to attend in the Divorce Court on such occasions, while they laboured under the disadvantage of not being intimately acquainted with its decisions and practice. If, then, he could secure, by means of three Judges, as he proposed, a full Court of Probate and Divorce, the result would be, he thought, the constitution of a far more satisfactory tribunal. He need not, perhaps, go further for the purpose of making it clear to their Lordships that he had upon the whole adopted the course which was most convenient and advantageous, with the view to providing for the various demands which were made for the due administration of justice. There was, however, another point which deserved to be taken into account in dealing with the question. He had on a former occasion pointed out that the business on the Northern Circuit had increased to such an extent that it far exceeded the powers of the Judges of Assize to dispose of it. He had stated that at every circuit cases were left untried, and that many had to be submitted to a reference, which was, as a general rule, a very unsatisfactory mode of decision. That being so, he found it was essential that the Northern Circuit should be divided. As a consequence of that division it became necessary that the services of two additional Judges should be secured, and he entertained the idea that he might make the Judges of the Court which he proposed to establish available in that respect. His noble and learned Friend seemed to think that would not be the best plan for providing for the wants of the new Circuit, and that it was not desirable that Judges who must be held as being conversant rather with international and civil than common law should be intrusted with the administration of the latter. He must, however, for his own part, confess that he thought considerable advantage would accrue from the fact that those Judges would be afforded an opportunity of keeping themselves on a footing with the common law, and that their minds should not be allowed to run, as it were, in one groove. They would, under the operation of his scheme, be able to mix on circuit with common law lawyers, and would bring back to their Court a knowledge of a branch of their profession different from that whose principles they were generally engaged in expounding. The point was one, he might

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add, on which he had deemed it right to take the opinions of the Judges of the Superior Courts of Common Law, and they had suggested that the difficulties of the case might be obviated by the addition of two Judges to those Courts. When, however, he came to deal with the necessity of supplying the want created by the division of the Northern Circuit, he felt it would be a mode of proceeding which it would be very inexpedient to adopt to add two Judges to the Superior Courts of Common Law; because, although they might very well do the work of the circuit, they would be a superfluous increase of the strength of those Courts in London. He might further remark that he entirely concurred with his noble and learned Friend in the opinion that three Judges were a better number to sit *in banco* than four. A curious mistake, indeed, very generally prevailed as to the number of which, when sitting *in banco*, the Court should be constituted. In the marginal abstract of the Act on the subject, it was set forth that the Judges should sit in rotation, and not less than three when the Court sat *in banco*; but in the body of the clause it was provided that no greater number than three puisne Judges should sit *in banco* unless in the absence of the Chief Justice or the Chief Baron, in which case four puisne Judges might sit—the object being to prevent five Judges sitting at the same time—the Judges themselves, in fact, had power to reduce the number ordinarily sitting *in banco*; and it seemed to him, after having duly weighed the matter, that to give two additional Judges to the Superior Courts was a proceeding which was wholly unnecessary. His noble and learned Friend, having objected to his scheme, had very naturally felt himself called upon to substitute for it some other plan; but the plan which he proposed was, if he understood it correctly—merely a repetition of that which he had already suggested, which was the creation of occasional circuits to which the Judges might go whenever their services were required, to be followed by the bar, who would thus be very inconveniently withdrawn from other business. Now, that was a plan which he did not think would find much favour with their Lordships, or with the profession at large. But, then, his noble and learned Friend argued that the Court of Admiralty and the Court of Probate and Divorce might be fused with the Superior Courts of Common Law, and a grand scheme thus

carried into effect. It was, however, all very well to suggest such a scheme, but then it was one which was surrounded with great difficulties, and to the accomplishment of which he did not clearly see his way. If his noble and learned Friend would tell him how it was to be accomplished he should be glad to give his proposals due consideration, and, if possible, to carry them out with his assistance. Entertaining, however, as he did, no hope whatsoever at the present moment of the feasibility of such a plan, and holding also the opinion that it was desirable to keep separate the peculiar business of the Admiralty, the Probate and Divorce Courts, and the Superior Courts of Common Law, he had come to the conclusion that he could submit to the notice of the House no better scheme than that which was embodied in the Bill under discussion, which he trusted would obtain their Lordships' sanction.

On Question, That ("now") stand Part of the Motion? their Lordships *divided*:—Contents 86; Not-Contents 40: Majority 46:—*Resolved in the Affirmative.*

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Bill read 3^a accordingly; Amendments made; Bill *passed*, and sent to the Commons.

HABEAS CORPUS SUSPENSION (IRELAND) ACT CONTINUANCE (No. 2) BILL.

(*The Earl of Derby*.)

(NO. 114.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DERBY: My Lords, in moving the second reading of this Bill I will not waste your Lordships' time by attempting to impress on your minds the absolute necessity of again passing it. I make the Motion with a feeling of great reluctance, and yet at the same time under a paramount sense of duty. I believe that under the present circumstances of Ireland none of your Lordships will have the slightest hesitation in agreeing to this Motion. If the other House of Parliament, which is regarded as the peculiar

guardian of the liberties of the people, has without a single dissentient voice felt this measure, which under different circumstances might have been an improper abridgment of those liberties, to be absolutely necessary, I think your Lordships will readily deem it one which is indispensable to the protection of the loyal and well-disposed population of Ireland. It is absolutely essential for that purpose that the Government should be armed with the powers given them by this Bill; still I am bound to say that, in my opinion, if we had only the resident Irish population to deal with there would be no necessity for the introduction of this measure. It is rendered necessary by reason of the evil-disposed persons who, resident in other countries, have for a long time past been carrying on their organization and preparing their schemes for the purpose of exciting disturbances in Ireland, who keep that country in a perpetual state of ferment, and prevent the restoration of peace and tranquillity there. And in order to obtain protection against those persons, who come over to Ireland for such mischievous purposes, I believe all the well-disposed people of that country will gladly make a temporary sacrifice of the valued liberties secured by the Habeas Corpus Act.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Derby*.)

EARL RUSSELL: My Lords, I have no doubt as to the vote I ought to give on this question. I have no doubt that, as the noble Earl states, it is necessary, in order to check this conspiracy, that the powers conferred by this Bill should be continued to the Government for a further period. I also think that the manner in which the Act of a similar character passed at the beginning of this Session has been carried into effect does the greatest credit to the moderation as well as to the vigilance of Her Majesty's Government in Ireland, and I have no doubt that what has been done has prevented the Fenian conspiracy from growing to a greater height. I was glad to hear at an earlier hour this evening that the noble Earl and his Colleagues have advised Her Majesty to spare the life of the convict Burke. I think that, after the exercise of clemency towards those persons who were lately found guilty of high treason in Canada, it would have been quite impossible, consistently with principle or with policy, to have executed the

extreme penalty of the law against the convict Burke in Ireland. I regret only that the noble Earl should, as appears in the newspapers, have stated to a deputation the strong opinion entertained by the Cabinet, and more especially that he should have mentioned the Lord Lieutenant and the Lord Chancellor of Ireland as having given an opinion in favour of carrying out the extreme sentence of the law on Burke. I think it would have been better if the noble Earl had refrained from giving any opinion in regard to what had been already decided on by the Cabinet. I cannot leave this question, however, without saying that I entirely concur in the opinions that were expressed last Session by my noble Friend the late Lord Lieutenant of Ireland, that the nature of this conspiracy, the extensive discontent which prevailed, and the sympathy which is shown for the offenders, make it incumbent upon Parliament to consider, as soon as time and opportunity shall serve, whether, at this time, sixty-six years since the Union, we cannot find some measures by which the mind and heart of the people of Ireland can be conciliated by us and brought in unison with this country. There are two great questions to be considered. With reference to the question of landlord and tenant in Ireland, with regard to which a passage in the Queen's Speech laid down the true principle for a settlement, I would suggest that, as it is not a party question, the late and present Chief Secretaries of Ireland might come to some agreement upon the subject, and secure the enactment of a satisfactory measure. There is also another and perhaps a graver question, and that is the question of the Church in Ireland. It excites feelings of the deepest animosity, and I am persuaded you can never expect the Roman Catholic population to be really attached to their Government unless what they deem justice is done to them in that respect. I speak merely of the general fact; I am sure there are no better clergy in the world than the clergy of Ireland; but, although they attend in the most exemplary manner to their duties, their position is one of peculiar difficulty, inasmuch as the whole of the endowments collected for the clergy of the country go to support the clergy of 700,000 people, while the Roman Catholic priests, the clergy of 4,500,000, receive none of those emoluments. That is a state of things which does not exist in any country in Europe—I may say in the world. It is a

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state of things which promotes discontent, and naturally so; and is calculated to excite the wonder of every Government in Europe. I will, on some future day, bring forward the question of the application of the revenues of the Established Church in Ireland; but at present I will content myself with giving my cordial assent to the Bill now before the House.

THE EARL OF KIMBERLEY: My noble Friend who has last spoken did not advert to one point, which should not, I think, pass unnoticed. Although I agree that the conduct of the Government, in dealing with the Fenian conspiracy, merits the entire approval of Parliament, and their general conduct in respect of the government of Ireland is one which your Lordships will not condemn, still I think there is one point upon which they have not exercised the same discretion as in other matters. It was natural that the Government should desire to terminate the suspension of the Habeas Corpus Act in Ireland, and no doubt they announced their intention not to ask Parliament for a renewal of the Act, by the paragraph in Her Majesty's Speech, with the very best of motives. At the time that announcement was made to us, I could not venture, from want of information as a private Member of your Lordships' House, to express an opinion as to the expediency of the course pursued by the Government; but since that time we have become possessed of information which was in the hands of the Government at the time Parliament was opened, and which, in my opinion, should have led them to see that it was not safe or expedient to declare that the suspension of the Habeas Corpus Act could not be continued. For, if I am rightly informed, not only were they aware that a conspiracy was being carried on in Ireland, but that persons from Belgium, as well as the United States, were engaged in it; they were also aware that the conspiracy was widespread and far from at an end. It was said that the Government had been enabled to place under control almost all those from whom danger was to be apprehended; but the obvious answer to that is that the Government, by not continuing the suspension of the Act, were depriving themselves of the very weapon that had produced that good result. If the suspension of the Habeas Corpus Act had been discontinued, not only would those who had been imprisoned under its provisions have been liberated, but many of the chief promoters

of the conspiracy, who had placed themselves in security in England—Liverpool being the head-quarters and the place where the conspiracy was carried on—it was obvious that if the suspension should be discontinued these persons would have returned to Ireland and continued their dangerous proceedings. That, indeed, is exactly what occurred. Many of the Fenian conspirators were under the impression that the Suspension Act had actually expired, and, returning to Ireland, commenced operations; with what deplorable results we are all acquainted. The course the Government pursued is the more to be regretted as, soon after their announcement was made, the Government found themselves obliged to ask Parliament to re-enact the measure. I also feel constrained to refer again to the imprudence of the late Attorney General for Ireland. I must say that the speech he made to his constituents had far too much the character of a popularity-hunting speech, made for the purpose of gaining the applause of the moment; but it led me to think that the course the Government then pursued was not as well considered as it should have been. I cannot but think it was a matter of great satisfaction to the noble Earl, when he was able to find a place for the right hon. and learned Gentleman in a calmer sphere, where popular speeches are not necessary. With regard to the conspiracy, I must say that I see no cause for modifying the opinion which I expressed last year. I am perfectly ready to admit, however, that to some extent the rural population have shown that they are not easily led away; and that is a cause of great satisfaction to me; although many sympathize with the malcontents, yet it is obvious, from the events which have taken place, that unless the conspirators meet with greater success than they are likely to obtain they will not probably be joined by any large number of the country people. I agree, however, with the noble Earl who preceded me (Earl Russell) that what is now occurring in Ireland should make us seriously reflect upon the future of that country. The state of Ireland is not merely one of difficulty; it has become one of danger to us. I in no way desire that Parliament should act under an impression of fear: happily the position of this country is such that we need not act under any such emotion; but, at the same time, it is but wise and prudent to prepare for possible dangers, for there is

no doubt that if danger should become imminent Ireland will be a source of very serious embarrassment to us. I find no fault with the Government for not having brought forward a comprehensive measure with regard to Ireland this Session; they have already in their hands a measure of the first magnitude in this Reform Bill; but I trust that if they continue to hold the reins of power, they will, in some future Session, look the difficulty of the situation fairly in the face and meet it completely. We may rely upon it that we look too much upon Ireland with English eyes; we naturally have our own feelings, opinions, and principles, and we cannot persuade ourselves that it is impossible to induce the people of Ireland to look upon questions from our point of view. That seems to me to be to some extent the key of our difficulty, and to have been the great evil in our legislation during a long course of years. We must endeavour to deal with Ireland from the same point of view as the people of Ireland themselves look at it. My noble Friend (Earl Russell) has referred to some other points. I shall not on this occasion enter into either of those questions; but I am thoroughly convinced that it is necessary Parliament should by legislation endeavour to remove the irritation which, rightly or wrongly, pervades a large portion of the people of Ireland, and until that is done, we shall never be able to dispense with measures of this kind—measures which I am sure every one of your Lordships deeply regrets.

THE MARQUESS OF CLANRICARDE regarded the suspension of the Habeas Corpus Act in this instance as a melancholy necessity, which he for one would not take the responsibility of opposing. He should have been well content to have remained silent this evening but for the remarks of his noble Friend (Earl Russell), who had coupled with the subject of the Fenians questions which ought to be dealt with separately, and with which the Fenians had nothing whatever to do. Indeed, the questions to which his noble Friend had alluded were just the very ones which, in his opinion, the Fenian leaders least of all desired to see settled. Nobody knowing anything of Ireland could pretend that discontent did not exist in that country; but that discontent had nothing whatever to do with any of the treasonable attempts which had been made to overthrow the Queen's authority, and to set up, not a republican,

or, indeed, any other form of government, but simply to create anarchy and confusion. The noble Earl had truly said that these disturbances were entirely organized abroad, and his noble Friend had gone even further in stating that they were fostered not only by persons in the United States, but by the revolutionists of other countries also. Why, then, should Fenianism be so frequently associated with questions in which persons living in Ireland were the only ones interested? He had read with pleasure the paragraph in the Queen's Speech in which a hope of being able to dispense with the measure they were now engaged in discussing was held out. He could not, however, see that blame was to be attached to any one because those hopes had not been realized. Any calculations as to the probable conduct of the Fenians must, of course, have been based on the presumption that the leaders were sane; and, whatever might be the case now, some few months since an attempt such as had been made by the Fenians would not have been thought possible except from madmen. There could be no doubt that much discontent existed in Ireland because many believed that not sufficient distinction was made between the loyal and the disloyal, and that not sufficient protection was afforded to those who deserved it. To prevent the renewal of these disturbances it was not enough to have ample constabulary supervision and the services of stipendiary magistrates. It was also necessary that a better feeling should be cultivated between the people and the Government, and that more encouragement should be given to the loyal and well disposed, than had hitherto been the case. At present it was a matter of reasonable complaint that where arms were taken away from the inhabitants all were treated alike; and this want of discrimination naturally left the loyal and peaceable inhabitants at the mercy of, or, at all events, exposed to the disloyal, whose arms were secreted, and who might attack the lives and property of their better disposed neighbours at times and at seasons when little or no defence could be offered. No doubt the questions to which his noble Friend had referred ought to receive attention; but, when considered, they ought to be dealt with, not as affecting disturbances engaged in by rebels, filibusters, and freebooters, but with a view of giving satisfaction and contentment to the people of the whole country.

The Earl of Kimberley

THE EARL OF BANDON entirely agreed with the noble Marquess (the Marquess of Clanricarde) that the questions of land tenure and the Irish Church had nothing whatever to do with Fenianism. Of ninety persons apprehended in his county last under the Habeas Corpus Suspension Act there were not five who were connected with agricultural pursuits; and, in fact, the outbreak had taken place in the most prosperous parts of the county of Cork. If ever the noble Earl opposite brought forward the Church question, he (the Earl of Bandon) should be prepared to defend that Church. But he would ask, why had the noble Earl opposite (Earl Russell) never attempted to deal with the question during the many years he had been in power? The noble Earl the late Lord Lieutenant of Ireland had blamed the present Government for want of firmness and discretion; but having had ample opportunity of watching the manner in which the Government of that country had been conducted during the late disturbances, he could bear testimony to the ability and forbearance which had been exhibited by the noble Marquess at the head of the Government in Ireland, and by the noble Lord the Secretary for Ireland.

THE EARL OF KIMBERLEY said, he would be sorry were it supposed that he had intended to impute any want of firmness or discretion to the Irish Government. On the contrary, what he had said was that they had acted with great wisdom and firmness, except upon one point.

THE EARL OF BANDON said, he had not intended to do more than to point out that the noble Earl had found fault with the Government of Ireland for having stated in the Speech from the Throne that they did not intend to continue the Habeas Corpus Act. The noble Lord the Secretary for Ireland explained the other night that the Government, when they inserted that paragraph in the Queen's Speech, were under the impression that the conspiracy had been crushed, and that they had not intended to apply for a renewal of the suspension of that Act until their eyes had been opened as to the true state of affairs by what had transpired at certain meetings held at New York. If the noble Earl were to consult the feelings of the great majority of the people of Ireland he would find that they were in favour, not of the measures to which he had pointed, and which were likely to stir up discord

between class and class, but of measures which were calculated to develop the resources and promote the prosperity of the country.

EARL GRANVILLE said, he hoped the noble Lord at the head of the Government would not follow the opinions or the advice of the two noble Lords who had just spoken, or would believe that Fenianism had nothing to do with the discontent which existed in Ireland. He quite agreed with the opinion expressed by the noble Marquess (the Marquess of Clanricarde) that Fenianism had no wish to re-model the Irish Church, and was equally opposed to the Protestant and Catholic Churches; and it was also true that it had no care for the land tenure question. What he contended for was, that it was the latent discontent which existed in Ireland—and which the noble Earl had admitted—that attracted the attention of the leaders of those abominable proceedings, and it was therefore the bounden duty of the Irish Government to use their best energies to do away with the grievances from which that discontent arose.

THE MARQUESS OF BATH hoped the Government would not take the advice which the noble Earl had just given them. The noble Earl had attributed the discontent which existed in Ireland to the questions of the Established Church and the land tenure. The fact was that Ireland was in an almost chronic state of discontent, but that discontent owed its origin to the existence of an alien Government which was not always a good Government. The repeated confiscations that had taken place under Oliver Cromwell and King William III., had created an irritation in the minds of the people which was not yet allayed. The idea of the Irish people was that the land was held by aliens who had deprived the rightful owners of it; and, in consequence, both the proprietorship of land by Protestant landlords and the Protestant Church were believed by them to be the ties which bound Ireland to England, and that if those ties could be broken the separation of the two countries could easily be effected. The feeling on the part of the Irish people was not one of dissatisfaction with the Church or the land question but of hostility to this country. He therefore trusted that the Government would bear in mind that any concession upon these points would not only not remove discontent but would lead to renewed demands and fresh agitation,

THE EARL OF DERBY: My Lords, while I willingly acknowledge the testimony that has been borne by the noble Earl opposite (Earl Russell) and by the noble Earl the late Lord Lieutenant of Ireland as to the lenient manner in which the powers vested in the Irish Government by the suspension of the Habeas Corpus Act have been exercised, there are one or two points made by both the noble Earls to which, out of respect to them, I feel bound to advert. The only point upon which the noble Earl at the head of the late Government expressed an opinion did not refer to the conduct of the Government with regard to the Fenian conspiracy, but to the statement I am supposed to have made a few days ago in reference to the convict Burke. The noble Earl appears to think that I stated upon that occasion that the Lord Lieutenant of Ireland, the Lord Chancellor of Ireland, and the learned Judge who tried the case—

EARL RUSSELL: I beg the noble Earl's pardon—I did not refer to the Lord Chancellor of Ireland. I said the name of the Lord Chancellor was mentioned unnecessarily.

THE EARL OF DERBY: If I mentioned the name of the Lord Chancellor, I referred to the Lord Chancellor of Ireland—not of England. Of course, it was unnecessary to name my noble and learned Friend on the Woolsack, he being a prominent Member of Her Majesty's Government, and of necessity consulted on such a question. What I did say was, that we had not come to this conclusion without the utmost care and deliberation; but after consultation with the Lord Lieutenant of Ireland, after hearing the opinion of the Lord Chancellor of Ireland, and after referring the matter to the Judges by whom Burke was tried. I did not refer in the slightest degree to any personal opinion expressed, or supposed to have been expressed, by any one of these as to the propriety of carrying out the sentence. I only stated that we came to the conclusion after hearing all that was said by the Lord Lieutenant, the Lord Chancellor, and the Judges. Further than that I did not go; and I think, when the Cabinet was in favour of carrying out the sentence, your Lordships will, I am sure, agree with me that under the circumstances it would have been most imprudent in me to hold out any expectation that the sentence would be commuted, or throw any doubt on the question of the sentence being car-

The Marquess of Bath

ried out until I had a further opportunity of consulting my Colleagues on the point, because that would have raised hopes which might not have been justified by the result. My Lords, the only point, I think, on which the noble Earl the late Lord Lieutenant of Ireland found fault with us was that we had entertained a hope at the commencement of the Session that we should be enabled to dispense with the renewal of the Habeas Corpus Suspension Act. He says that at the time we inserted that paragraph in the Queen's Speech we had information in our possession, and must have had for months, which proved that the conspiracy was still going on, and he added that the conspiracy was not headed by Irishmen, but was fostered by American, Belgian, and Italian leaders.

THE EARL OF KIMBERLEY: I did not mention any Italian.

THE EARL OF DERBY: The fact is that long subsequent to the renewal of the Act in February we received information that there were one Belgian and one Italian engaged in the conspiracy; but at the time of the Queen's Speech, to the best of my belief, we had no knowledge of any European foreigners having taken part in the conspiracy, the only parties known being citizens of the United States. But when the noble Earl says we made a very hasty announcement in the Queen's Speech, I have this to say—that we had certainly obtained information during the months of September, October, and November which enabled us to arrest a considerable number of the leading conspirators—and those only did we arrest—and the result of the measures we had taken and the experience and the information we possessed was that the conspiracy had completely collapsed. Many of those who had been connected with it, but had not been placed under arrest, and the whole thing had apparently so entirely collapsed, that we entertained a very sanguine and, we considered, a very well-founded expectation that we should be enabled to dispense with any exceptional legislation. The noble Earl says that all our success was attributable to the arrest of a considerable number of the leaders. Does he know the comparison between the number of those in confinement when the Queen's Speech was made and the number when he himself was Lord Lieutenant of Ireland? When we succeeded to office there were no less than 330 Fenians in confinement, and notwithstanding that we

had succeeded in putting a large number of persons under arrest, there were at the time the Queen's Speech was delivered only seventy in all in confinement. We had therefore every reason to believe that the conspiracy had altogether collapsed: and so it had; but it received new life and vigour from fresh movements of Stephens in America towards the close of the year, the results of which were not known when we advised the Queen's Speech. The arrival of Fenians from the United States, and the proceedings of Stephens acting on the minds of credulous dupes in Ireland, led them to conceive fresh hopes, and led to a revival of the conspiracy, which compelled us to resort again to extraordinary and exceptional legislation. We had hoped to dispense with its renewal; that hope was disappointed; the Act was passed and the conspiracy was again arrested. I do not, however, say that if it had been the prorogation instead of the meeting of Parliament we should have been justified in placing a statement in the Queen's Speech, because we had in the latter case what we should not have had in the former—namely, if we had allowed the Act to expire, and there had been a renewal of the conspiracy and a return of any of those persons to their treasonable practices, and bad consequences followed from the revival of the conspiracy, we knew that we had Parliament at our back, and Parliament would be ready to pass exceptional legislation only justified by absolute necessity, and would readily arm us with fresh powers, and enable us to resume those powers which they—I am sure which we—were most anxious to dispense with, if possible. My Lords, I do not think this a fitting opportunity for entering into a discussion of remedial measures for Ireland. Of this I am convinced, that there never was a time when Parliament was more disposed than at present to listen to any well-grounded complaints of substantial grievances, and apply, so far as it can, a remedy for those grievances. But, as the noble Marquess (the Marquess of Clanricarde) said, the grievances specified by the noble Earl (Earl Russell) certainly are not in the slightest degree connected with the Fenian conspiracy. They are grievances, if grievances at all, of very long standing. Parliament has laboured year after year with regard to the land question to place it on a more satisfactory footing; and the noble Earl will admit that the Government are not

wanting either in bringing forward remedial measures on their part with respect to the tenure of land, or on the other in availing themselves of the exertions of the noble Marquess, who, with great care, is endeavouring to frame a code of laws to regulate the relations of landlord and tenant on this subject. But the noble Earl very fairly says that he cannot complain of attention being occupied in the other House by the great and formidable question of Parliamentary Reform which creates an obstacle to the carrying of these important measures. I will not, my Lords, enter on the discussion of what may be called the Church grievance. For my own part, I do not believe that is a grievance at all. I do not believe that it affects in the slightest degree the discontent said to prevail in Ireland. But if the noble Earl (Earl Russell) is so strongly of opinion as he now appears to be, that the Irish Church is a great grievance, I wish to know how it happens that during the eighteen years out of twenty he has been in office, and twice at the head of the Government, he never brought forward those remedial measures with regard to the Irish Church, which, for the first time, he thinks it necessary to urge during this, the first year he finds himself in opposition. Last year, when the noble Earl occupied the responsible position of Prime Minister, my noble Friend (Viscount Lifford) brought forward the question of the Irish Church; but the noble Earl, with that true Conservative feeling which I hope will always animate every Minister who sits on this Bench, remonstrated with the noble Viscount who had given notice of a Motion relative to the endowments of the Irish Church for raising so serious a question, and he deprecated in the strongest manner any discussion with regard to the endowments of the Irish Church. *Cælum non animus mutant*—but I am sorry that change of place has brought about considerable change of opinion on this subject with the noble Earl. I will not enter into the general state of Ireland. We are dealing with what all will admit an absolute, though lamentable necessity, and I think it very unwise to couple with a measure essential to the restoration of peace and prosperity, the discussion of complaints which, if there be real and substantial grievances, there is every disposition on the part of Parliament to remove. I therefore hope, my Lords, you will confine your attention to the immediate sub-

ject under consideration—namely, the absolutely necessary continuance of the Act for the Suspension of the Habeas Corpus in Ireland.

EARL RUSSELL: I may venture to say a very few words after what the noble Earl has said personal to me. I am rather surprised that he accuses me of not earlier raising the question of the Irish Church, because I raised it, in concert with others, many years ago, for four or five years together. [The Earl of DERBY: Yes; about thirty years ago.] But I found, after going on four or five years, that I had no chance of carrying the question. My impression, however, is, that although it is quite right that the question should not be raised this year, for the same reason that I did not like to see it raised last year—namely, that the Reform Bill was under discussion—yet I do believe that a change of opinion has taken place on the subject with the people of England; and if the noble Earl carries this measure I should expect that we shall be prepared next year to remedy this grievance also.

THE EARL OF DERBY said, that the noble Earl had failed to explain how it was that, during the eighteen years he had been in office out of the last twenty, he had proposed no measure with regard to the Irish Church.

EARL RUSSELL was understood to say that he had not raised the question because it did not appear that he should have received general support.

Motion agreed to: Bill read 2^a accordingly; Committee negatived; and Bill to be read 3^a To-morrow, at Five o'clock.

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 27, 1867.

MINUTES.]—SELECT COMMITTEE—On Factory Acts Extension and Hours of Labour Regulation, Mr. Baxter discharged, Mr. Dalglish added.

SUPPLY—considered in Committee—Resolutions [May 24] reported.

WAYS AND MEANS—considered in Committee.

PUBLIC BILLS—Resolutions in Committee—Vacation [Gratuities and Expenses]; Public Works, Harbours, &c. [Advances].

Ordered—Metropolitan Police.*

The Earl of Derby

First Reading—Tyne Pilotage Act (1865) Amendment * [168]; Metropolitan Police * [171].

Second Reading—Limerick Harbour (Composition of Debt) * [117]; Masters and Workmen (Lords) * [77].

Committee—Representation of the People [79] [Clause 4] [r.f.]; Railway Companies (re-comm.) * [164]; Local Government Supplemental (No. 2) * [167].

Report—National Gallery Enlargement * [169]; Houses of Parliament * [170]; Railway Companies (re-comm.) * [164]; Local Government Supplemental (No. 2) * [167].

Third Reading—Pier and Harbour Orders Confirmation * [163], and passed.

BRAZIL—BRITISH CLAIMS ON THE GOVERNMENT.—QUESTION.

MR. EWART said, he would beg to ask the Secretary of State for Foreign Affairs, Whether any steps have been lately taken to obtain a settlement from the Brazilian Government of the large pecuniary claims of British subjects which have been so long pending; and whether there is any prospect of a settlement of those claims?

LORD STANLEY: Sir, the state of the case as regards the claims of British subjects on the Brazilian Government is briefly as follows:—Her Majesty's Minister at Rio de Janeiro has lately completed a very careful examination of these claims, and he has furnished a detailed statement of them to the Brazilian Government. The Brazilian Government not long ago promised that a similar examination should be made of the claims of that Government against Great Britain. The counter claims upon us are to a very large amount, and I am informed there will be considerable difficulty in getting our claims considered unless we are prepared to go into a consideration of the claims against us.

LOSS OF LIFE AT SEA.

QUESTION.

MR. HOLLAND said, he would beg to ask the First Lord of the Admiralty, Whether it is the intention of Her Majesty's Government to adopt any measures for the purpose of preventing "the loss of life at sea;" and, whether the communication of the Admiralty with the Board of Trade and Trinity House on the subject of "the Steering and Sailing Rules" and "the Exhibition of Lights," will lead to any alteration and improvement of these rules?

MR. CORRY, in reply, said, the Board of Admiralty had been in communication with the Board of Trade on the subject,

but no decision had yet been arrived at with respect to it. The Question was an international one, which added to the difficulty of dealing with it.

FOREIGN CATTLE.—QUESTION.

MR. CHEETHAM said, he wished to ask the Vice President of the Privy Council, If any decision has been arrived at in reference to a Memorial recently presented to the Council, praying that Spanish and Portuguese Cattle imported into Liverpool may be transferred from thence alive to the Cattle Market at Salford for immediate slaughter there?

LORD ROBERT MONTAGU replied, that the Council, after a consideration of the question, had come to the conclusion that it would not be advisable to remove the existing restrictions regulating the importation of foreign cattle.

REPRESENTATION OF THE PEOPLE BILL—THE TOWER HAMLETS.

QUESTION.

MR. BUTLER said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, considering that the number of Electors on the last Register for the part of the Tower Hamlets proposed by the Reform Bill to be called the Northern Division, already exceed 21,300, and that very considerable addition will be made by the Lodger Franchise and the reduction in the qualification, it is still his intention to add to such Northern Division of the Tower Hamlets the extensive parish of West Ham, which is in another county, and is not within the Metropolitan area; and, whether he will have the goodness to inform the House the estimated number of Electors which the Northern Division of the Tower Hamlets will possess should the Bill pass in its present shape?

THE CHANCELLOR OF THE EXCHEQUER: All those arrangements, Sir, with respect to boundaries of boroughs will really depend upon the decision of Commissioners—five Gentlemen, of whom the head will be Lord Eversley, as I mentioned the other day. As soon as the arrangements are made I will let the House know the names of the other Commissioners. They will be, I am sure, men who will command the confidence of the House. I certainly do not intend to make any alteration in the existing arrangements

with regard to those boroughs now, because the final settlement of the matter will be in the hands of the Boundary Commissioners.

MR. BUTLER said, the question in this case was not one of boundary.

THE CHANCELLOR OF THE EXCHEQUER: I believe, Sir, that the hon. Gentleman will find that these arrangements will be entirely in the power of the Boundary Commission, or those whom we call in common parlance Boundary Commissioners.

SCURVY AT SEA.—QUESTION.

MR. ALDERMAN SALOMONS said, he wished to ask the Vice President of the Board of Trade, What steps have been taken by the Board of Trade in consequence of the increased number of cases of sea scurvy admitted on board the *Dreadnought* from British ships, and of the representation made by the Committee of the Seamen's Hospital Society as to this disease being now almost exclusively confined to the Mercantile Marine of the United Kingdom?

MR. STEPHEN CAVE, in reply, said, scurvy was caused, as the House knew, by want of vegetable acids, and had formerly prevailed on land, especially in garrison towns. It was not only unknown at the present day in the Royal Navy, but also in the French Navy and Mercantile Marine, owing, no doubt, to the use of light wine and vegetables. By the Merchant Seamen's Act, 7 & 8 *Vict.*, and the Merchant Shipping Act 17 & 18 *Vict.*, captains of merchant ships were compelled to carry limejuice, which was by far the best remedy yet known; and masters of ships were bound to serve it out after the crews had been living for ten days on salt provisions. During the passage of these Acts through Parliament the appointment of Inspectors was transferred from the Board of Trade to Local Marine Boards, and it appeared from printed correspondence laid before Parliament last Session, that they declined to appoint Inspectors. There were two evils at work—the adulteration of the limejuice, and its stowage in improper vessels, where it was spoilt. The Acts of Parliament gave no power to inspect the stores where the limejuice was deposited, nor was there any provision to ensure the limejuice being carried in proper vessels. There was a penalty in the Act for selling adulterated limejuice, but it

was necessary to prove that it was sold to a particular ship. For two years past the Board of Trade had inquired into every bad case of scurvy, and in many cases both accommodation and provisions had been excellent. A Bill would shortly be introduced by the President of the Board of Trade to remedy these defects in the law; and a consultation was going on with the Customs on the subject of mixing spirits and limejuice in bond, in order that it might be taken on board mixed, together with the other bonded stores. Hon. Members would find the fullest information on this important subject in Papers laid before Parliament during the last and present Session.

IRELAND—THE FENIAN CONVICT BURKE.—QUESTION.

THE O'DONOGHUE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Government have recommended that the clemency of the Crown shall be extended to the political prisoners now under sentence of death in Ireland?

THE CHANCELLOR OF THE EXCHEQUER: Sir, Her Majesty's Ministers arrived at the conclusion that it was not their duty to interfere with the operation of the law in the case of Burke, who was convicted of high treason, and they came to that conclusion with a feeling of pain which I will not attempt to express. But they arrived at it after viewing the case in all its lights, and with the conviction that it was their duty to take that course, being influenced mainly by the feeling that it was of great importance that persons should be deterred from the repetition of such crimes; for we still consider high treason to be a capital offence, since in its perpetration it may lead to the accomplishment of all other crimes. I have, however, to state that within the last few days there has been evidence, and such strong evidence—not only in this country, but also in Ireland, as we have learnt from the Lord Lieutenant—such strong evidence of divided public feeling upon this subject, that we felt convinced, after deep and further consideration, that the deterring effect which we wished to produce would not be secured in that state of public opinion. I have therefore to state to the House that Her Majesty has been graciously pleased to express her will, under our advice, that the capital punishment incurred by the convict shall be

remitted. And I can only express my fervent hope—I would almost say my belief—that this act of most gracious clemency on the part of Her Majesty will be one which Her Majesty will never regret, and that the exercise of this prerogative on the present occasion will be looked back to by her subjects with perfect satisfaction.

PUBLIC BUSINESS.

Standing Orders [19th July 1854 and 21st July 1856] relative to Morning Sitings read, and *suspended*.

Motion made, and Question proposed,

"That, unless the House shall otherwise order, the House will meet on Tuesday and Friday, during the present Session, at Two o'clock, and proceed with private Business, Petitions, Motions for unopposed Returns, and leave of absence to Members, giving Notices of Motions, Questions to Ministers, and such Orders of the Day as shall have been appointed for the Morning Sitting."—*(Mr. Chancellor of the Exchequer.)*

MR. BOUVERIE said, he did not wish to oppose the right hon. Gentleman, because he thought the urgency of the case was great. The House ought to give all the time in their power to the great measure which the right hon. Gentleman had in hand. At the same time, the House must bear in mind that this proposal of the Government was a perfect extinguisher on independent Members. It was very well for the Chancellor of the Exchequer to say in a good-humoured way that the private Members would not be interfered with, and that they could bring forward their business on Tuesdays at nine o'clock. But the right hon. Gentleman gave no assurance that he would bring a House together at that time, after hon. Gentlemen had departed for those other attractions and occupations which they would be in search of after seven o'clock. At all events, private Members would not have the hours between six and nine to carry on debates of great importance. There was, for example, the notice of the hon. Member for Galway with regard to the *Tornado*, a matter the discussion of which would probably occupy a good many hours. A discussion of three or four hours would probably not exhaust the subject, and in consequence of the debate being adjourned it would further an Order of the Day, and still become incumbent the Order Paper. The proposal he had to suggest was that the

Mr. Stephen Cave

right hon. Gentleman should make this Resolution a temporary one, that they might see whether the Government business and the business of private Members went on satisfactorily under the proposed arrangement. He would move the omission of the words "during the present Session" in order to substitute in their place the words "until the end of June." If the arrangement worked satisfactorily the right hon. Gentleman might then propose the renewal of it. On the other hand, hon. Members would, if they felt dissatisfied with the working of the new scheme, have an opportunity of bringing forward their objections to it. It should be borne in mind that for independent Members to propose to repeal what would then have become a Standing Order was a very different thing from their asking the Leader of the House again to come forward and propose to convert a temporary arrangement into a Standing Order. His proposal was a fair one, and he hoped the Chancellor of the Exchequer would offer no opposition to it. He would move that the words "during the present Session" be omitted, in order to insert the words "till the end of June."

Amendment proposed,

To leave out the words "during the present Session," in order to add the words "until the end of June,"—(*Mr. Bouverie*.)

—instead thereof.

MR. DENMAN said, he presumed that Bills in the hands of private Members would come on at nine o'clock in the order in which they stood on the Paper. He should be glad to know whether the Government intended to claim any right to give their Notices priority over private Bills.

COLONEL FRENCH said, of course the House reserved to itself the right of reverting to the present practice. This was an important matter, as there was a lingering hope that all the Amendments on the Reform Bill would be got through by the end of June.

MR. MONK said, he thought it would be fairer if the right hon. Gentleman took Thursday, instead of Friday, for a morning sitting.

THE CHANCELLOR OF THE EXCHEQUER: I should be sorry to oppose the suggestion of the right hon. Member for Kilmarnock (*Mr. Bouverie*). I recollect I first suggested the proposed arrangement as an experiment, and therefore I

am bound to regard it as such. My Motion is drawn up in language which implies that, for the words "until the House shall otherwise order" are used, which empower the House to change the system in a week's time if it liked. I am satisfied with that. But if the right hon. Gentleman wishes to insert "until the end of June," I will not oppose it. I do not think it will be convenient to exchange Thursday for Friday. I do not coincide in the view that the privileges of private Members will be reduced by this change. If a good debate commences at nine o'clock on an interesting subject, the House will have no objection to debate it until two o'clock. Independent Members will therefore have a great advantage. We shall not interfere with the Bills of private Members. We do not wish to change the position private Members hold. We merely ask the House to meet at the altered time.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words added.

Main Question, as amended, put, and *agreed to*.

1. *Resolved*, That, unless the House shall otherwise order, the House will meet on Tuesday and Friday, until the end of June, at Two o'clock, and proceed with Private Business, Petitions, Motions for unopposed Returns, and leave of absence to Members, giving Notices of Motions, Questions to Ministers, and such Orders of the Day as shall have been appointed for the Morning Sitting."

2. *Resolved*, That on such days, if the business be not sooner disposed of, the House will suspend its sitting at Seven o'clock; and at ten minutes before Seven o'clock, unless the House shall otherwise order, Mr. Speaker shall adjourn the Debate on any business then under discussion, or the Chairman shall report Progress, as the case may be, and no opposed business shall then be proceeded with.

3. *Resolved*, That when such business has not been disposed of at Seven o'clock, unless the House shall otherwise order, Mr. Speaker (or the Chairman, in case the House shall be in Committee), do leave the Chair, and the House will resume its sitting at Nine o'clock, when the Orders of the Day not disposed of at the Morning Sitting, and any Motion which was under discussion at Ten minutes to Seven o'clock, shall be set down in the Order Book after the other Orders of the Day.

4. *Resolved*, That whenever the House shall be in Committee at Seven o'clock, the Chairman do report Progress when the House resumes its sitting.—(*Mr. Chancellor of the Exchequer*.)

PARLIAMENTARY REFORM—
REPRESENTATION OF THE PEOPLE
BILL.—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 23.*]

Bill considered in Committee.

(In the Committee.)

Clause 4 (Occupation Franchise for Voters in Counties).

* Amendment again proposed, in page 2, line 22, after the word "of," to insert the words "lands or tenements."—(*Mr. Secretary Gathorne Hardy.*)

Amendment again proposed to the said proposed Amendment, to leave out the words "or tenements," in order to insert the words "with a tenement erected thereon."—(*Mr. Ayrton.*)

Question again proposed, "That the words 'or tenements' stand part of the said proposed Amendment."

THE CHANCELLOR OF THE EXCHEQUER: The Committee will permit me to make a few observations. I have no right to do so; but it will facilitate the progress of the Bill if I make a few remarks with respect to the clause I put upon the table, in accordance with my engagement to the Committee, in reference to the compound-householder. Respecting this there appears to be a singular misunderstanding. Her Majesty's Government, in placing that clause upon the table, were of opinion that they were, not only in spirit, but to the letter, fulfilling the engagement which they had entered into with the Committee upon that subject. I am surprised that a sentiment to the contrary exists in some quarters upon our conduct with respect to this matter. When a great misapprehension arises it ought not to be permitted to remain. Whatever may be the differences in our political views, and the heat and asperity with which they are often pressed—characteristics which, on the whole, have not distinguished the present Session—there is one subject upon which, as between those who have the conduct of the business of the House and the House itself, upon which there ought to be the most implicit confidence. Unless upon the subject of the conduct of business there exists implicit confidence between anyone to whom it is intrusted—without reference to party—nothing but chaos and

confusion can occur. Sir, I am not aware that at any period during the time I have had the honour to conduct the business of the House I have on the part of my Colleagues entered into any engagements which I have not endeavoured on their part scrupulously to fulfil. The other night our attention was called to the subject of the compound-householder by a Motion of the hon. Member for Newark (*Mr. Hodgkinson*). It led to a very interesting discussion. There was not a formal, but an assumed, understanding as to what the general wish of the Committee was. On the part of the Government, I undertook, according to the etiquette which defines the duty of a Minister conducting a Bill, to carry into effect the Resolution at which the Committee had arrived. I placed on the table the clause—respecting which so much misapprehension exists—with the feeling that we had, not only in spirit, but to the letter, fulfilled our engagements to the Committee. The Committee will remember that the hon. Member for Newark, in a speech which showed much acquaintance with the subject, moved this proviso to Clause 30—

"Provided always, That except as hereinafter provided, no person other than the occupier shall after the passing of this Act be rated to parochial rates, in respect of premises occupied by him within the limits of a Parliamentary Borough, all Acts to the contrary now in force notwithstanding."

Upon this proviso the hon. and learned Member for the Tower Hamlets (*Mr. Ayrton*), with characteristic acumen, which never appears to me more vigilant than when it touches subjects of local government, said he should like to have some explanation from the hon. Member for Newark as to what was meant by the words "as hereinafter provided." The hon. Member for Newark replied—

"He was perfectly well aware if his Amendment were agreed to it would require to be supplemented by some further provisions. Indeed, some had already been suggested by the hon. Member (*Mr. Childers*)."

It will be remembered that the provisions suggested by the hon. Member for Pontefract (*Mr. Childers*), and which were on the Paper, recognised the expediency of requiring that every occupier should be rated, and also provided that there should be a permissive system of voluntary composition with the consent of the occupier. These were the provisions of the hon. Member for Pontefract (*Mr. Childers*), which were to supplement the provisions

of the hon. Member for Newark (Mr. Hodgkinson), and which the hon. Member for Newark accepted as part of his plan. After the hon. Member for Newark sat down a very remarkable incident occurred. The right hon. Member for South Lancashire (Mr. Gladstone) addressed the House, in a speech not the least important of those which have emanated from him this Session. The observations he made were well considered, because the right hon. Gentleman spoke on a matter of great importance. He made a proposal of considerable magnitude to the Government. It was, he felt authorized to say, so far as the Bill of the Government was concerned, that in case the proposal of the hon. Member for Newark were accepted—he did us the justice to say, and said most rightly, we could accept it because it was in consonance with the principles of our measure—he should feel that—although some of his objections to the measure and its principles still existed—the mutual concession would be so satisfactory that, instead of the implacable hostility we were to experience, on a most important part of our measure, co-operation would be offered in the interest of peace. There can be no mistake, for the right hon. Gentleman made these well-considered remarks in reference to the proposal of the hon. Member for Newark (Mr. Hodgkinson), as it was interpreted by the House, supplemented by the provision of the hon. Member for Pontefract (Mr. Childers). He said—

“I think the rider of my hon. Friend the Member for Pontefract (Mr. Childers) is a decided improvement upon the original and naked proposal of the hon. Member for Newark (Mr. Hodgkinson).”—[3 *Hansard*, clxxxvii. 712.]

I put the matter fully before the Committee, on account of the charges made against the Government. I wish that upon this matter, as between the Government and the House, there should be the most complete understanding. There can be no doubt what was the intention of the right hon. Gentleman, and of course it was the speech of the right hon. Gentleman which gave a colour to the future of the debate. There is no doubt what was the plan of the hon. Member for Newark (Mr. Hodgkinson), and how it was understood by the right hon. Member for South Lancashire. There is a passage which proves it, and also more accurately and completely describes the plan of the hon. Member for

Newark than any language I could use. The right hon. Gentleman said—

“My hon. Friend the Member for Newark (Mr. Hodgkinson) offers an extension of the franchise, liberal and, at any rate, perfectly equal, and which we cannot denounce as tending to corruption, because it will have the effect of placing upon the register such of the class of compound-householders as are the best entitled to enjoy the franchise; it will allow those who desire to become voters at the expense of the economical advantages of composition to pass into that condition, while those who prefer these economical advantages to the boon of the franchise will be enabled to act in accordance with their preference. Both parties would have their option.”

I beg the House to consider after that statement the clauses which I have placed upon the table. There can be no doubt that when the hon. Member for Newark made that proposal—a memorable proposal—on Friday week, he intended that it should be supplemented by what the right hon. Member for South Lancashire (Mr. Gladstone) called the rider of the hon. Member for Pontefract (Mr. Childers). It was the proposal with that rider annexed which received the adhesion, the approbation, and the sanction of the right hon. Gentleman, and which was the foundation of the striking offer which he made to the Government and to the House. The instruction given to those skilful men who draw up clauses and Bills to be presented to this House was that they should fulfil to the letter and in the spirit the engagement which the Government had entered into with the House of Commons. The clause put upon the table entirely carries out that instruction. Section 3, which has been held up to public indignation, is merely the rider of the hon. Member for Pontefract (Mr. Childers), without the slightest alteration. The whole submitted to the House is the arrangement suggested by the hon. Member for Newark (Mr. Hodgkinson), supplemented by the hon. Member for Pontefract (Mr. Childers), and ratified by the high approbation of the right hon. Gentleman. I wish the House clearly to understand this. I must say I am surprised that observations should have been made by Members of this House—not here certainly, but in another place—which would lead us to suppose, not only that the conduct of the Government has been a breach of faith, but that they have endeavoured by a cunning device to hoodwink the House of Commons into the adoption of something perfectly distinct from that which they had agreed to adopt.

The hon. Member for Westminster (Mr. Stuart Mill) was present during the whole of these transactions. He is a most assiduous attendant on his duties, much to his credit and to the advantage of the House. I am always glad to see him in his place, and I believe I saw him in his place on that occasion. He, with his acuteness, could not doubt the nature of the agreement to which the Government and the House had come. Yet the hon. Member for Westminster, who is, not merely a Member of this House, but a philosopher, a friend of wisdom and of truth, has thought it consistent with his ideas of duty to attend a meeting and if not to move at least to support or sanction a resolution to the effect that I, representing Her Majesty's Government, had committed a breach of faith with the House of Commons in this matter. If this had been mere criticism, however unjust, upon our measures; if it had been an attack, however culumnious, upon my Colleagues or myself, I should not have noticed it. But it appears to me of vital importance that, whatever may be our conflicts, whatever may be the heat of parties, there should be between the individual who conducts the business of the House and the House itself implicit confidence. I therefore felt it my duty to put myself right with the House, appealing to that verdict which I think every Gentleman, wherever he sits, must pronounce. I have only to add one remark. This clause with its sections has been brought forward in fulfilment of our engagement with the House. It was our intention, and I think we have accomplished it, literally and completely to express the wishes of the House as elicited that evening by the hon. Member (Mr. Hodgkinson). The policy before the House is the policy of the House of Commons, not of Her Majesty's Ministers. The House will have the opportunity of giving its opinion upon the subject. If this third section, which is now the object of such indignant reprobation in some quarters, and which seems to be discredited even by the hon. Member for Newark (Mr. Hodgkinson), is to be rejected, let the House clearly understand that they are giving up a policy which upon Friday week was originated by the hon. Member for Newark, supplemented by the hon. Member for Pontefract, and ratified and sanctioned by the right hon. Gentleman the Member for South Lancashire. We had no discretion upon the subject. If

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we had disapproved that third section, still it was part of our engagement. If we had omitted that third section we might have been fairly charged by the right hon. Gentleman as having deviated from a portion of the arrangement which he thought of importance. The House will have an opportunity of deciding upon this third section. If the House does not approve the rider of the hon. Member for Pontefract, if the House altogether disapproves the scheme of the hon. Member for Newark, the hon. Member for Pontefract, and the right hon. Member for South Lancashire, the House will have an opportunity of expressing its disapproval. It is their policy, not the policy of the Government, and the Government lay no more stress upon it than that they agreed to it in order to give effect to an arrangement upon a difficult question, and that when they agreed to those terms they honourably endeavoured to carry them out. I trust, therefore, that the compound-householder will not be the subject of those prolonged and difficult debates which were anticipated. I may be permitted to make one remark upon the clause upon which we are now about to enter, with reference particularly to the inquiry of my right hon. Friend behind me (Sir John Trollope). That clause refers to the county franchise. I can truly say, on the part of the Government, that there is a most anxious desire to come to a settlement of this question of the county franchise in cordial co-operation with the House. We are most anxious to establish the county franchise upon a broad and popular basis. But what we want above all is that it shall be a county franchise—that it shall not lose its distinctive character. I thought it was to be regretted that the hon. Member, as it seemed to me, unnecessarily disturbed the old county franchises as settled by the Act of 1832, because I know that the more you interfere with them the more you increase the chances of opposition which measures like this must of course be prepared to encounter. But the House having decided in favour of the alteration of the measure of the hon. Member for Derbyshire, we bowed to the decision, and when the hon. Member for Glamorganshire followed this up with a Motion of the same character, I did not ask the House to divide upon the question. I desired, so far as I possibly could, to meet the wishes of the House. At the same time,

I said that I accepted these changes on the understanding that the regulations which were established by the Reform Bill of 1832 should not be interfered with, and I reserved to myself the right of adhering to that understanding. I say this because, anxious as we are that the county franchise should be established upon a broad and popular basis, we are equally anxious to keep up its distinctive character. There is an Amendment on the Paper of the hon. Member for Bridgwater, which was adverted to by the hon. Member for Glamorganshire the other night, to which the Government cannot give their assent. It was a question discussed, and fully discussed, last year. It was proved in a manner completely satisfactory to the House that, if such a change occurred, a borough in a county could pour forth voters under the leaseholding qualifications equal in amount to at least one moiety of the existing constituency among which they were to poll, and that the distinctive character of country and urban constituencies would by such a process be entirely changed. If we adopt such a course we might as well put an end to the distinction between county and borough constituencies. Such a proceeding, I think, would be one to be deprecated, and I will at once say, wishing as far as I can to assist the progress of business, that the Amendment of the hon. Member for Bridgwater is one to which we cannot assent. I earnestly beg that the Committee will pause and well consider its consequences before they adopt this Amendment—that they will not upon the subject of the county franchise, or indeed upon any point arising out of this Bill, act with party precipitancy or with the wantonness which the supposed consciousness of a majority sometimes engenders among men of all parties—that they will consider the subject in a spirit of conciliation and cordial co-operation, and not come to a hasty resolution, the consequences of which must be seriously embarrassing. With regard to the question of my right hon. Friend (Sir John Trollope), I will say that in fixing £15 as the qualification for the counties we fixed upon the sum which was the nearest practical approach to the jury qualification for counties. But we never for a moment supposed that in any particular amount, whether £1 or £2 more or less, any principle was involved. What we had to do was to consider whether the qualifica-

tion was really a county qualification. That is the point we always kept in view. I was not aware that the hon. Member for Kent (Sir Edward Dering) had withdrawn his Amendment, which I have heard spoken of with favour by Members on both sides of the House. So far as the Government are concerned, if their adoption of that Amendment would lead to a satisfactory and amicable settlement of this long-vexed question, they will not throw any obstacles in the way. I cannot sit down without once more earnestly pressing upon the Committee the propriety of endeavouring to settle this question with as little admixture of party feeling as possible. We must remember that the fate of measures does not merely depend upon the decision of the House, and that when measures of this character are before us it is wise to come to conclusions which will be generally acceptable to moderate men of all parties. I hope that the House, especially on this question of the county franchise, will meet Her Majesty's Government in that spirit of conciliation with which we wish to treat them on this subject. I have shown already, in yielding to the Motion of the hon. Member for Glamorganshire, and in adopting the suggestions which have been made by my right hon. Friend (Sir John Trollope), with respect to the amount of county franchise, that we are disposed to meet the Committee in a conciliatory spirit. Although I think it my duty to say that we cannot agree to the Motion of the hon. Member for Bridgwater, I have at least given the Committee the reasons which forced us to arrive at that conclusion. We are animated by no other wish than to establish the county franchise upon a broad and popular basis, retaining its distinctive character at the same time meeting the suggestions of hon. Gentlemen in the spirit they deserve.

MR. J. STUART MILL: I hope the Committee will kindly indulge me for a few minutes. No one, so far as I am aware, on the occasion to which the right hon. Gentleman has alluded, charged him with having broken faith with the House or with the country on the subject of the compound-householder. I most explicitly acquitted him of having done so. If such a charge has been made I most willingly admit, and justice would compel me to admit, that he has most clearly and satisfactorily answered it. I was well aware that the shaft with which he had trans-

fixed us was taken from our own quiver. When the Amendment of the hon. Member for Pontefract (Mr. Childers) was announced, I felt, and said, that if it were carried it would entirely destroy us—that we should be obliged to begin again at the beginning and fight the whole battle over again. If that Amendment had proceeded from this part of the House I should have opposed it, and I shall oppose it now. I had not in my mind that my hon. Friend the Member for Newark (Mr. Hodgkinson) had expressed concurrence in that Motion. I now remember that he did concur in it. But the Committee know that he withdrew that concurrence by placing a fresh Amendment of an entirely different character on the Paper. As the right hon. Gentleman has done me the honour to attend to what I said in another place, he no doubt is well aware of the reasons why I think the 3rd and 4th clauses are entirely inadmissible. I have said this to set myself right with the right hon. Gentleman, against whom I have always endeavoured to avoid saying anything personally offensive. On the occasion referred to, I spoke with studied moderation.

Mr. CHILDERS said, that as the right hon. Gentleman the Chancellor of the Exchequer had done him the honour to allude to an Amendment he had placed on the Paper with reference to the 3rd clause, as an addition to the proposal of the hon. Member for Newark, he hoped the Committee would allow him to say a few words in explanation. But he was surprised to hear the Chancellor of the Exchequer describe the proposals of the Government, as if the House or individual Members had some special responsibility for them. He understood the other evening that the intention of Her Majesty's Government with reference to the abolition of the compound-householder, and the conditions upon which that abolition was to be founded, was to return to their original policy, and he was therefore entitled to expect that the original proposals of the Government would be carried into effect rather than any suggestion from an independent Member. As to his former Amendment, his own position in the matter was clear enough. When he put it on the Paper he had not the least idea that the abolition of the compound-householder would receive any general support from either side of the House. He looked upon the Amendment of the hon. Member for Newark in the light of a

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forlorn hope. Knowing that the abolition would be attended with considerable difficulty, he thought he should not be wrong if he attempted to some extent to smooth away the difficulty. The compound system had been adopted in a large number of parishes within Parliamentary boroughs; there were great financial advantages attaching to the system; and there was considerable public feeling on the subject. In order, therefore, to assist his hon. Friend the Member for Newark, he proposed some provisos which would enable the compounder, when it was an undoubted advantage to him, to continue to compound. His anticipations had been pleasantly disappointed. When he came down to the House on that celebrated Friday evening under the belief that the compound-householder would be very strenuously supported, he found to his great gratification that the original policy of Her Majesty's Government would be adopted. Therefore it was not necessary for him to take any steps with reference to the Amendment he had put on the Paper, and which he had formally and cheerfully withdrawn. However, he did not blame the Government. They had shifted their ground so often that they could hardly be expected to remember what their original policy really was; and in this, as in other cases, they naturally thought that they were only yielding to the opinions of others. At the same time, he must point out that the clauses of the right hon. Gentleman differed in two material respects from what he proposed. In the first place, he proposed his Amendment to assist his hon. Friend in getting rid of a system which had been adopted in a certain number of parishes and which applied only to those parishes. But the Amendment of the right hon. Gentleman would enable it to be carried out in all parishes. In the next place, he took it for granted that the compound-householder would be abolished from the passing of the Act, and that the first General Election would be carried on upon the basis of all rated householders being on the Parliamentary register. He proposed that those who were so rated and upon the register might have the power, if they should be so minded, to accept the compound system and disfranchise themselves. But the proposal of the right hon. Gentleman had this proviso attached to it—

“That nothing in this Act contained shall affect any composition existing at the time of the passing of this Act, so, nevertheless, that no such

composition shall remain in force beyond the period of twelve months from the time of the passing of this Act."

The effect of that proviso would be that after the passing of the Act the first General Election would take place on a register which did not contain the compound-householder. He hoped the right hon. Gentleman would not persevere in that proviso, which was diametrically opposed to the universal opinion of the House, that the compound-householder system should be got rid of, and that all compound-householders at the time of the passing of the Act should be on the register.

MR. HODGKINSON said, that this was neither the time nor the occasion to discuss what had taken place the other night. When the proper time came he had no doubt that they would be able to show that the 3rd and 4th clauses brought up by the right hon. Gentleman were quite untenable. What he rose for was to remove a misapprehension under which hon. Gentlemen seemed to labour that he was a party in any way to the supplemental Amendment of the hon. Member for Pontefract (Mr. Childers). He had seen the Amendment of his hon. Friend, it was true, and had read it in a very cursory manner but did not approve it. When he had concluded his observations in the evening in question the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) asked what he meant by the phrase "hereinafter provided," and he answered that if the principle of abolishing compounding were adopted by the House it would be necessary to supplement this clause by another, with respect to existing arrangements, or it might be that the House would adopt the Amendment of the hon. Member for Pontefract. But then, as now, he entirely disapproved that Amendment.

MR. GLADSTONE: Confining myself almost entirely to the retrospective question, I must begin by confirming, as far as my recollection goes, every word that has fallen from my hon. Friend the Member for Newark (Mr. Hodgkinson). Following him in the debate I certainly did not understand him at all to have accepted the Amendment of the hon. Member for Pontefract. I understood him to say that either the Amendment of my hon. Friend (Mr. Childers), or the subject-matter to which that Amendment related, would be left for discussion, that he desired not to close the

door against that discussion, and had consequently inserted the words, "except as hereinafter provided." As regards the speech of the right hon. Gentleman the Chancellor of the Exchequer, I will trouble the Committee for only a few minutes, on account of the important part I am myself made to play in it. I have not the least hesitation in saying that there is no charge of breach of faith that can lie against the right hon. Gentleman. It was perfectly open to the right hon. Gentleman, as to any other Member of the House, to do whatever on consideration he might think fit with regard to the Amendment of my hon. Friend (Mr. Childers), and with regard to any collateral considerations which might attach to a proposal so important, and involving so much complicated matter as that of the hon. Member for Newark. While the right hon. Gentleman is entirely justified in repelling and repudiating any charge of breach of faith, he puts his argument, I think, too high when he says that he would have been guilty of breach of faith if he had not incorporated the rider of my hon. Friend in his plan. What took place on that occasion? We had before us the proposal of the hon. Member for Newark, with the alternative of adopting or not adopting such a rider for the purpose of allowing voluntary composition as was suggested by my hon. Friend. I have no doubt that I expressed the opinion of that rider which has been quoted by the right hon. Gentleman. What, however, the right hon. Gentleman accepted was not the rider of my hon. Friend, but the proposal of the hon. Member for Newark. The rider was not under discussion, and unless I am mistaken it was hardly mentioned throughout the night's debate. What we understood from the right hon. Gentleman—though he did not so express himself as to limit his liberty—was, that he accepted in principle—with reserves as to the necessary means of giving it execution—the proposal of the hon. Member for Newark. Though there are certain advantages which will be secured by my hon. Friend's rider and by the plan the Government have adopted, I was glad that the right hon. Gentleman on the part of the Government apparently accepted the proposal in its simplicity and breadth, without reference to the rider. It is plain that the proposal as it now stands, independently of the important differences which my hon. Friend has pointed out, is one which al-

though it is a very great improvement on the provisions of the Bill as they stood before, is very far short of the improvement which the Chancellor of the Exchequer would effect if he would accede to the hon. Member for Newark's plan in its original form. It is liable to this objection, that it tends to disturb the relations between the occupiers and the owners of houses by bringing the questions of the franchise into those relations. That, Sir, I think, would be a very unfortunate occurrence. I cannot help hoping from the tone of the right hon. Gentleman, and from his being obviously free to take what course he thinks fit, that he will accede to the wish expressed by Gentlemen on this side of the House, and, as far as I know, the view of Gentlemen opposite, that he will relieve us from the whole of these difficulties, and establish a complete and entire severance between every question relating to compounding and every question relating to the franchise. It will become the duty of the Committee, after having effected that—if it shall be effected—to consider whether there are or are not means by which many of the conveniences of the payment of rates through the landlord may be retained without interfering with the franchise. The object to be attained is to establish that severance in its complete form. The hon. Member for Newark was, I confess, much wiser than I was in his view of the subject. I rejoiced therefore in the acceptance of the plan, as I understood, by the right hon. Gentleman without the addition proposed. Fully admitting his freedom—as I claim my own—to take whatever course he thinks fit, I hope that as a matter of policy and prudence, for the sake of giving satisfaction to the country and attaining many of the main objects proposed by this Bill, he will still be inclined to embody his original policy in the Bill without any of those conditions which would prevent the full and unimpaired attainment of those objects.

THE CHAIRMAN: I beg to remind the Committee that the clause before us is Clause 4. The Chancellor of the Exchequer proposed to make a statement, which is now concluded. In that statement he had occasion to make a retrospect of what took place on certain proposals respecting compound-householders. That retrospect caused certain explanations from hon. Members, and those explanations having been given, I think it would now

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be for the convenience of the Committee that the discussion should be confined to the question before us. The Question before the Committee is this. The right hon. Member for Oxford University (Mr. Gathorne Hardy) has proposed in Clause 4, line 22, after the word "of," to insert the words, "lands or tenements." The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) has proposed, as an Amendment to the proposed Amendment, the omission of the words, "or tenements," in order to add the words, "with a tenement erected thereon." The Question I have to put is that the words "or tenements" stand part of the proposed Amendment.

MR. AYRTON said, he should withdraw his Amendment, with the view of substituting the words, "a message separately or jointly with any land." What had occurred on the previous evening was this. It was considered that the qualification originally proposed was indefinite, and it was struck out. Words were proposed to be substituted, but were not inserted by the Committee. After that was decided, some new words were proposed very hastily by the Secretary of State. But the words "lands or tenements" proposed to be inserted by him had no certain or definite meaning, and did not supply a sufficient qualification for the exercise of the county franchise. They might be construed to mean £10 issuing out of land to be held or enjoyed from year to year. He had proposed to negative those words, in order to substitute others. But now he intended to withdraw the words he had proposed, and to substitute "a message separately or jointly with any land." A message included not only a house, but every appurtenant to a house—a garden, farm buildings, and anything held in connection with the enjoyment of the house. It was desirable to have the property on which the qualification was founded easily ascertained. There were great objections to the words proposed by the Secretary of State, because it would open the door very wide to the manufacture of faggot votes by the owners of land. Any one possessed of a large landed estate might enfranchise a number of his friends by allowing them a nominal occupation, and, without residing in the county or ever seeing the land, they might, on going through certain legal forms, obtain votes. Both sides of the House were equally interested in preventing such a manufacture

of votes. The ground on which it was suggested that the words should be adopted was that in some cases farms might be let in one county and a certain quantity of land might be attached to them situated in an adjoining county. But he believed that, as a matter of fact, they would not find a case where a farm extended into two counties, unless it was a farm of very considerable dimensions. ["Oh, oh!"] There might be a few cases, perhaps; but he doubted very much whether there would be half-a-dozen in each county, and in some counties there would be none at all. In the case of large farms extending into two counties, the holding would be enfranchised in each county through the operation of the Reform Act. He thought they ought to frame a definition of the franchise in order to meet such purely exceptional cases, especially when it might lead to the wholesale manufacture of votes. He believed the opposition to the words "dwelling house" arose through a misapprehension of the subject. All that was proposed was that it might be a house or building and appurtenances. The proposal rendered it necessary that a person should have a house in a county connected with the land which he enjoyed, and there would therefore be a much larger amount of association with the county in which he had to vote. He thought hon. Gentlemen opposite ought to support the proposal. The Amendment of the Secretary of State applied to an occupation of £12 yearly, making it more objectionable than it would be if it applied to an occupation of £50, involving a larger amount of property. He would at present withdraw his own Amendment, in order that the Committee might divide upon the question of whether they would adopt the words proposed by the Government or not.

Amendment to proposed Amendment, by leave, *withdrawn*.

SIR JOHN TROLLOPE said, that if the proposal of the hon. and learned Member for the Tower Hamlets were adopted not only would a large number of county voters be disfranchised, but also a much larger class of very respectable dwellers in towns who occupied lands beyond the boundary of those towns. Nothing could be more natural than that dwellers in large cities and towns should like to take a small piece of land beyond the boundaries for the purpose of keeping a couple of

cows, or growing a little hay, and other purposes of that kind. These occupations were not made for the purpose of getting votes. No landowner in his senses would ever cut up his property into small fractions in the manner described by the hon. and learned Member, for the sake of giving certain persons votes. The hon. and learned Member for Richmond (Sir R. Palmer's) futile brain alone could imagine that such a manufacture of votes would be carried on. With regard to the borough with which he was connected it was by no means unusual for tradesmen to take fifteen or twenty acres of land in the precincts of the town. He would ask Liberal Members whether such men would not be quite as competent to have county votes as the £4, £5, or £6 dwellers in towns would be to enjoy the borough franchise? They were as independent in their principles as any householder in any town. He altogether deprecated this disfranchising principle. Some hon. Gentlemen thought that some territorial aggrandizement and electoral power would be exercised over this class of voters, but on this point he could quote an example in his own county. A gentleman who was a relation of the hon. Member for Pontefract (Mr. Childers) and bore the same name, had a farm outside a large town and cut it up into small plots. His object was — not the manufacture of votes—but he was induced to take the course he did because by that means he could obtain for the land three or four times as much money as he got for it as a farm. The class of men who occupied these plots of land were a valuable and independent class of county voters. Of this he could easily give a proof. There were at least 100 plots of land cut out by the gentleman he had referred to, and who being a Liberal opposed him at his first election. But the rentees of the plots of land were men of intelligence and education, and therefore nine out of ten of them voted for him. He could not bring forward a case which showed more clearly that that class of men were not to be biased by the political principles of their leaders. The hon. and learned Gentleman was wrong in supposing that he was doing an act of utility by trying to disfranchise people who would exercise a wise and proper discretion in voting.

MR. RUSSELL GURNEY said, in reference to the fears entertained by the hon. and learned Member for the Tower Hamlets, that this measure would encour-

[Committee—Clause 4.]

rage the manufacture of votes, that having acted as a revising barrister for many years, when party feeling ran high, and every effort was made to place voters' names on the register, he did not remember a single case during that period where a vote had been manufactured in the way alluded to by the hon. and learned Member. That was not the way in which faggot votes were manufactured. If a landlord wished to make votes, he did so by the creation of life rent-charges, and other persons effected the same object by means of 40s. freeholds. He ventured to say that for one county vote manufactured in the way suggested by the hon. and learned Gentleman at least 100 were manufactured in the ways to which he had just referred.

Original Question put, "That the words 'lands or tenements' be there inserted."

The Committee *divided*:—Ayes 255; Noes 254: Majority 1.

SIR EDWARD COLEBROOKE moved to insert after the words "lands and tenements" the words "with a house."

Amendment proposed, after the word "tenements," to insert the words "with a house."—(*Sir Edward Colebrooke.*)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 254; Noes 264: Majority 10.

AYES.

Acland, T. D.
Adam, W. P.
Allen, W. S.
Amberley Viscount
Anstruther, Sir R.
Antrobus, E.
Armstrong, R.
* Ayrton, A. S.
Ayton, R. S.
Bagwell, J.
Baines, E.
Barelay, A. C.
Barry, A. H. S.
Baxter, W. E.
Bazley, T.
Beaumont, H. F.
Biddulph, M.
Blennerhasset, Sir R.
Bonham-Carter, J.
Bouverie, rt. hn. E. P.
Brady, J.
Brand, rt. hon. H.
* Bright, Sir C. T.
Bright, J.
Briscoe, J. I.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Bryan, G. L.
Buller, Sir A. W.

Buller, Sir E. M.
Butler, C. S.
Buxton, Sir T. F.
Calcraft, J. H. M.
Calthorpe, hn. F. H. W. G.
Candlish, J.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Viscount
Cave, T.
Cavendish, Lord E.
Cavendish, Lord F. C.
Cavendish, Lord G.
Cheetham, J.
Childers, H. C. E.
Cholmeley, Sir M. J.
Clay, J.
Clement, W. J.
Clinton, Lord E. P.
Cogan, rt. hn. W. H. F.
Coleridge, J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Colville, C. R.
Cowen, J.
Cowper, hon. H. F.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.

Cremorne, Lord
Crossley, Sir F.
Davey, R.
Davie, Sir H. R. F.
De La Poer, E.
Denman, hon. G.
Dent, J. D.
Dering, Sir E. C.
* Dilke, Sir W.
Duff, M. E. G.
Duff, R. W.
Dundas, F.
Edwards, C.
Ellice, E.
Enfield, Viscount
Erskine, Vice-Ad. J. E.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewing, H. E. Crum-
Eyknyn, R.
Fawcett, H.
Fildes, J.
Finlay, A. S.
FitzGerald, rt. hon. Lord
O. A.
Foljambe, F. J. S.
Fordyce, W. D.
Forster, C.
Forster, W. E.
Fortescue, rt. hon. C. S.
Fortescue, hon. D. F.
Foster, W. O.
French, rt. hon. Colonel
Gavin, Major
Gibson, rt. hon. T. M.
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Goschen, rt. hon. G. J.
Gower, hon. F. L.
Graham, W.
Gray, Sir J.
* Greville-Nugent, A. W. F.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Gridley, Captain H. G.
Grosvenor, Earl
Grosvenor, Capt. R. W.
Grove, T. F.
Hadfield, G.
Hamilton, E. W. T.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess
Hay, Lord J.
Hay, Lord W. M.
Hayter, Captain A. D.
Headlam, rt. hn. T. E.
Henderson, J.
Heneage, E.
Henley, Lord
Herbert, H. A.
Hibbert, J. T.
Hodgkinson, G.
Hodgson, K. D.
Holden, I.
Holland, E.

Howard, hon. C. W. G.
Hurst, R. H.
Hutt, rt. hon. Sir W.
Ingham, R.
Jackson, W.
Jardine, R.
* Jervoise, Sir J. C.
Johnstone, Sir J.
Kearsley, Captain R.
Kennedy, T.
King, hon. P. J. L.
Kinglelake, A. W.
Kinglelake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Labouchere, H.
Layard, A. H.
Lawrence, W.
Leatham, W. H.
Lee, W.
Leeman, G.
Lefevre, G. J. S.
Lewis, H.
Lloyd, Sir T. D.
Locke, J.
Lowe, rt. hon. R.
Lusk, A.
M'Laren, D.
Maguire, J. F.
Marjoribanks, Sir D. C.
Martin, C. W.
Martin, P. W.
Matheson, A.
Matheson, Sir J.
Merry, J.
Milbank, F. A.
Mill, J. S.
Miller, W.
Mills, J. R.
Mitchell, A.
Mitchell, T. A.
Moncreiff, rt. hon. J.
Monk, C. J.
More, R. J.
Morrison, W.
Nicholson, W.
Nicol, J. D.
Norwood, C. M.
O'Beirne, J. L.
O'Brien, Sir P.
O'Connor Don, The
O'Donoghue, The
Ogilvy, Sir J.
Oliphant, L.
Onslow, G.
Osborne, R. B.
Otway, A. J.
Owen, Sir H. O.
Packe, Colonel
Padmore, R.
Palmer, Sir R.
Pease, J. W.
Peel, A. W.
Peel, J.
Peto, Sir S. M.
Phillips, R. N.
Platt, J.
Potter, E.
Potter, T. B.
Pryse, E. L.
Proby, Lord
Rebow, J. G.
Robartes, T. J. A.

Rothschild, Baron L. de
 Rothschild, Baron M. de
 Rothschild, N. M. de
 Russell, A.
 Russell, H.
 Russell, F. W.
 Russell, Sir W.
 St. Aubyn, J.
 Samuelson, B.
 Saunderson, E.
 Scholefield, W.
 Scott, Sir W.
 * Scrope, G. P.
 Seymour, A.
 Seymour, H. D.
 Shafto, R. D.
 Simeon, Sir J.
 Smith, J.
 Speirs, A. A.
 Stacpoole, W.
 Stanley, hon. W. O.
 Stansfeld, J.
 Stone, W. H.
 Stuart, Col. Crichton-
 Skyes, Colonel W. H.
 Synan, E. J.
 Taylor, P. A.
 Tite, W.

Torrens, W. T. M'C.
 Tracy, hon. C. R. D.
 Hanbury-
 Trevelyan, G. O.
 Vanderbyl, P.
 * Verney, Sir H.
 Villiers, rt. hon. C. P.
 Vivian, H. H.
 Vivian, Capt. hn. J. C. W.
 Waldegrave-Leslie, hn. G.
 * Warner, E.
 Weguelin, T. M.
 Western, Sir T. B.
 Whatman, J.
 Whitbread, S.
 White, hon. Capt. C.
 White, J.
 Wickham, H. W.
 Williamson, Sir H.
 Winnington, Sir T. E.
 Woods, H.
 Wyvil, M.
 Young, G.
 Young, R.

TELLERS.
 Colebrooke, Sir T. E.
 Agnew, Sir A.

[Members marked * did not vote in the previous division.]

Agnew, Sir A., Akroyd, E., Bass, A., Dillwyn, L. L., Foley, H. W., Mackie, J., Morrison, W., Roebuck, J. A., voted with the "Noes" in the previous division.]

NOES.

Adderley, rt. hon. C. B.
 Annesley, hon. Col. H.
 Anson, hon. Major
 Arkwright, R.
 Baggallay, R.
 Bagge, Sir W.
 Bailey, Sir J. R.
 Baillie, rt. hon. H. J.
 Baring, T.
 Barrington, Viscount
 Barrow, W. H.
 Barttelot, Colonel
 Bateson, Sir T.
 Bathurst, A. A.
 Beach, Sir M. H.
 Beach, W. W. B.
 Beaumont, W. B.
 Beecroft, G. S.
 Bentinck, G. C.
 Benyon, R.
 Beresford, Capt. D. W.
 Facke-
 Bernard, hn. Col. H. B.
 Bingham, Lord
 Booth, Sir R. G.
 Bourne, Colonel
 Bowyer, Sir G.
 Brett, W. B.
 Bridges, Sir B. W.
 Bromley, W. D.
 Brooks, R.
 Browne, Lord J. T.
 Bruce, Lord E.
 Bruce, C.

Bruce, Sir H. H.
 Bruen, H.
 Burrell, Sir P.
 Butler-Johnstone, H. A.
 Campbell, A. H.
 Capper, C.
 Cartwright, Colonel
 Cave, rt. hon. S.
 Cecil, Lord E. H. B. G.
 Clive, Capt. hon. G. W.
 Cobbold, J. C.
 Cochrane, A. D. R. W. B.
 Cole, hon. H.
 Cole, hon. J. L.
 Conolly, T.
 Cooper, E. H.
 Corrance, F. S.
 * Corry, rt. hon. H. L.
 * Courtenay, Lord
 Cox, W. T.
 Cranborne, Viscount
 Cubitt, G.
 Curzon, Viscount
 Dalglish, R.
 Dalkeith, Earl of
 Dawson, R. P.
 Dick, F.
 Dickson, Major A. G.
 Dimsdale, R.
 Disraeli, rt. hon. B.
 Du Cane, C.
 Duncombe, hon. Adm.
 Duncombe, hon. Colonel
 Dunne, General

Du Pre, C. G.
 Dyke, W. H.
 Dyott, Colonel R.
 Eaton, H. W.
 Eckersley, N.
 Edwards, Sir H.
 Egerton, hon. A. F.
 Egerton, E. G.
 Egerton, hon. W.
 Elcho, Lord
 Fane, Lt.-Col. H. H.
 Fane, Colonel J. W.
 Feilden, J.
 Fellowes, E.
 Fergusson, Sir J.
 * Fitzwilliam, hn. C. W.
 W.
 Floyer, J.
 Forde, Colonel
 Forester, rt. hon. Gen.
 Fort, R.
 Freshfield, C. K.
 Gallwey, Sir W. P.
 Galway, Viscount
 Garth, R.
 * Gaskell, J. M.
 Getty, S. G.
 Gilpin, Colonel
 Goldney, G.
 Gooch, Sir D.
 Gore, J. R. O.
 Gore, W. R. O.
 * Gorst, J. E.
 * Grant, A.
 Graves, S. R.
 Gray, Lieut.-Colonel
 Greenall, G.
 Greene, E.
 Gregory, W. H.
 Grey, hon. T. de
 Grosvenor, Lord R.
 * Guinness, Sir B. L.
 Gurney, rt. hon. R.
 Gwyn, H.
 Hamilton, rt. hn. Lord
 C.
 Hamilton, Lord C. J.
 Hardy, rt. hon. G.
 Hardy, J.
 Hartley, J.
 Hartopp, E. B.
 Harvey, R. B.
 Harvey, R. J. H.
 Hervey, Lord A. H. C.
 Hay, Sir J. C. D.
 Heathcote, Sir W.
 Henley, rt. hon. J. W.
 Henniker-Major, hon.
 J. M.
 Herbert, hon. Col. P.
 Heygate, Sir F. W.
 Hildyard, T. B. T.
 Hodgson, W. N.
 Hogg, Lt.-Col. J. M.
 Holford, R. S.
 Holmesdale, Viscount
 Hood, Sir A. A.
 Hope, A. J. B. B.
 Hornby, W. H.
 Horsfall, T. B.
 Hotham, Lord
 Howes, E.
 Hubbard, J. G.

Huddleston, J. W.
 Hunt, G. W.
 James, E.
 Jolliffe, hon. H. H.
 Jones, D.
 Karslake, Sir J. B.
 Karslake, E. K.
 Kavanagh, A.
 Kekewich, S. T.
 Kendall, N.
 Kennard, R. W.
 King, J. K.
 Knightley, Sir R.
 Knox, Colonel
 Knox, hon. Colonel S.
 Lacon, Sir E.
 Langton, W. G.
 Lanyon, C.
 Lascelles, hon. E. W.
 Leader, N. P.
 Legh, Major C.
 Leifroy, A.
 Lennox, Lord H. G.
 Leslie, C. P.
 Liddell, hon. H. G.
 Lindsay, hon. Col. C.
 Lindsay, Colonel R. L.
 Long, R. P.
 Lopes, Sir M.
 Lowther, J.
 MacEvoy, E.
 McKenna, J. N.
 Mackie, J.
 McLagan, P.
 Malcolm, J. W.
 Manners, rt. hn. Lord J.
 Manners, Lord G. J.
 Meller, Colonel
 Mitford, W. T.
 Montagu, rt. hn. Lord R.
 Montgomery, Sir G.
 Mordaunt, Sir C.
 Morgan, O.
 Morgan, hon. Major
 Morris, G.
 Mowbray, rt. hon. J. R.
 Naas, Lord
 Neeld, Sir J.
 Newdegate, C. N.
 Newport, Viscount
 North, Colonel
 Northcote, rt. hn. Sir S. H.
 O'Neill, E.
 Packe, C. W.
 Paget, R. H.
 Pakington, rt. hn. Sir J.
 Palk, Sir L.
 Parker, Major W.
 Patten, Colonel W.
 Paull, H.
 Percy, Mjr.-Gen. Ld. H.
 Powell, F. S.
 Pritchard, J.
 Pugh, D.
 Read, C. S.
 Rearden, D. J.
 Repton, G. W. J.
 Ridley, Sir M. W.
 Robertson, P. F.
 Roebuck, J. A.
 Rolt, Sir J.
 Royston, Viscount
 Russell, Sir C.

Salomons, Alderman	Torrens, R.
Schreiber, C.	Tottenham, Lt.-Col. C. G.
Scott, Lord H.	Treby, J. W.
Scourfield, J. H.	Trevor, Lord A. E. Hill-
Selwin, H. J.	Trollope, rt. hn. Sir J.
Selwyn, C. J.	Turner, C.
Seymour, G. H.	Vance, J.
Simonds, W. B.	Verner, E. W.
Smith, A.	Verner, Sir W.
Smith, J. B.	Walcott, Admiral
Smith, S. G.	Walker, Major G. G.
Smollett, P. B.	Walrond, J. W.
Somerset, Colonel	Walsh, A.
Stanhope, J. B.	Walsh, Sir J.
Stanley, Lord	Waterhouse, S.
Stanley, hon. F.	Welby, W. E.
Stirling-Maxwell, Sir W.	Whitmore, H.
Stopford, S. G.	Williams, F. M.
Stronge, Sir J. M.	Wise, H. C.
* Stuart, Lieut.-Col. W.	Woodd, B. T.
Stucley, Sir G. S.	Wyld, J.
Sturt, H. G.	Wyndham, hon. H.
Surtees, C. F.	Wyndham, hon. P.
Surtees, H. E.	Wynn, C. W. W.
Sykes, C.	Yorke, J. R.
Talbot, C. R. M.	
Thorold, Sir J. H.	
Thynne, Lord H. F.	
Tollemache, J.	

TELLERS.

Taylor, Colonel T. E.
Noel, hon. G. J.

[Members marked * did not vote in the previous division.

Buckley, E., Dunkellin, Lord, Lloyd, Sir T. D., voted with the "Ayes" in the previous division.

Salomons, Mr. Ald., Smith, J. B., voted with the "Noes" in both divisions.] (Numb. 61, 62.)

MR. LOCKE KING said, he moved the substitution in the clause of the word "ten" for the word "fifteen," in order that the county qualification might be reduced to £10. There were many reasons why the Committee should adopt that proposal. The principle of the reduction of the county franchise for which he had contended for so many years having been admitted, all they now had to do was to settle the question of the figure to be adopted. If there were any injustice, anomaly, or absurdity in the present state of the franchise, it was to be found first and foremost in the condition of the county franchise. If they compared the number of Members who represented the counties with those who represented the boroughs, a great disproportion would be found to exist. There was also a great disproportion in the number of electors in boroughs and counties compared with the population in each. The county population was, in round numbers, 11,000,000, while the borough population was only 9,000,000, and yet the number of electors in counties was nearly the same as in boroughs. It was this anomaly, injustice, and disproportion which had caused all the trouble

which the Government had experienced. He believed that if at an early period they had dealt with this question and had given an extension of the county franchise, they would not now find themselves committed to what he might call this democratic change with regard to the borough franchise. He must tender his thanks to the hon. Baronet the Member for East Kent (Sir Edward Dering) for not having persevered with his Amendment fixing the franchise at £12. That was a figure wholly unknown in all the discussions which had taken place in reference to the county franchise, whereas the £10 was a good, honest, and constitutional figure, with which they were familiar for years, and which had been adopted in every Reform Bill that had been introduced except one. He could not help thinking that the figure of £15 in the present Bill had been put in at random, with no intention that it should be persevered in if opposed. The Chancellor of the Exchequer in his Bill of 1859 adopted the £10 as the figure of the county franchise. It was true that the right hon. Gentleman afterwards said that in proposing £10 he likewise proposed to confer other franchises at the same time. But had they not in the present Bill other franchises with a vengeance? Were not the doctors, the clergymen of all denominations, the lawyers, and, above all, the schoolmasters to be enfranchised? Here were companions enough to look after the unfortunate ten-pounder whom he proposed to enfranchise. It was impossible, after having gone so far in the way of democracy in regard to boroughs, to hold back with respect to counties, and not give them the liberal measure which he proposed in 1859. If they were to adopt a £15 franchise for the counties, while they were to have a borough franchise which was to be little short of universal suffrage, an enormous disproportion would exist between the condition of the two great divisions of the constituencies, and between the number of persons which would in each of them be enfranchised. While they were making so great an advance in the direction of democracy in the boroughs, it would be impossible for them to maintain the county qualification at so high a figure as £15. If they adhered to their present proposal upon that subject, they would leave the Reform question unsettled, and would have to encounter a renewed and vigorous agitation for the removal of a manifest anomaly and injustice.

Amendment proposed, in line 23, to leave out "fifteen" and insert "ten."—*(Mr. Locke King.)*

SIR THOMAS LLOYD said, he was about to trespass on the kind attention of the House only for a few minutes, as minutes were precious at this period. As a representative of a county constituency, he regarded the concession offered by the Government as a handsome one, and which they on that side of the House ought to accept. Had the alternative offered to the House been as between £15 and £10, he should have had no hesitation in voting for the latter figure; but as a fair compromise had been offered by the Government, he should support the proposal of the Chancellor of the Exchequer in favour of a £12 franchise. He had no fear of a large reduction of the franchise. Some weeks ago, when the debate on the Reform Bill commenced, he remembered hearing an hon. Member opposite the Member for Canterbury (Mr. Butler-Johnstone) say, in a speech long and interesting, that the "Cavaliers" of the House had reason to fear the consequences of this Bill. He was one of the cavaliers of that House. As a cavalier he differed from the hon. Member in his view of this measure, and did not share in his fear. The influence of the country gentlemen of England rested on a more solid basis than that of any electoral franchises. That influence reposed on the tradition of centuries, on identity of interests and friendly intercourse. A country gentleman, one of large territorial possessions, living with his people, and, as Queen Elizabeth used to say, for his people, wielded an influence superior to any other class in this or in any other nation in the world. This Bill was a great and comprehensive measure, and the most liberal ever offered to Parliament. He wished to bear testimony to the great forbearance, exquisite tact, sound judgment, and great courtesy with which the Chancellor of the Exchequer had conducted this great Bill.

MR. LIDDELL said, Government had made a very large and liberal concession to numbers, and they ought not now to be expected to ignore the claims of property having its fair share of representation. The effect of a £10 franchise would be, in many counties, entirely to supersede the present county representation. Those £10 occupations were found either in the immediate neighbourhood of Parliamen-

tary boroughs or within the limits of unrepresented towns. When the excitement of present events had gone by, the old duty of the drag-chain would have to be resumed, and the influence of the country party would have to be used to check anything like rash or hasty legislation. This was not a time to weaken the influence of county constituencies. He trusted the House would hesitate before it entertained any proposal which would tend so largely to lessen the legitimate influence of property. This was not a question of numbers, but of interests. The right hon. Gentleman the Member for South Lancashire had described the lowering of the county franchise as being only the completion of the representation of the middle class. He (Mr. Liddell) did not want to argue this question merely as a class question. He was not one of those who thought that one class of Englishmen would necessarily rise against any other class and overwhelm them. But he wanted to argue the question as one of interests, and where interests and feelings were identical, they should endeavour to secure identity of representation. He hoped that the county representation would not be handed over to the towns, as it inevitably would if the £10 proposal were acceded to. No doubt this would not be the case in the purely agricultural counties; but these formed a very small proportion of the counties of England. He earnestly hoped they would bear in mind that by infusing this large amount of town element into the counties, property would be deprived of its legitimate influence in that House. He trusted, therefore, that the Amendment of the hon. Member for East Surrey (Mr. Locke King) would not be adopted, but that the Committee would rather agree to the compromise suggested, though for himself he preferred the original figure proposed by the Government as a liberal and sufficient extension of the county franchise.

MR. BRIGHT: The hon. Gentleman who has just spoken has taken up some phrases which I thought the House had got rid of. The Chancellor of the Exchequer spoke very much some years ago about the identity of interests and the representation of interests and so forth. But the House has passed all that a good way. These phrases, which never meant much in the past, mean nothing at all in this Session. My hon. Friend the Member for East Surrey (Mr. Locke King)

must admit that a reduction of the franchise from £50 to £15, or £12 to £10 in counties, is a large reduction. But we are not frightened at that; we have seen such a wonderful change with regard to the boroughs. It is impossible for any Member to alarm the House with regard to the change proposed in the counties from £50 to £10. Unless Gentlemen opposite are absolutely—I was going to say lunatic in the course they are taking with regard to the boroughs, there can be no impropriety and no danger in the proposal of my hon. Friend with regard to the counties. It is worth their while to consider whether they would like the county question to be discussed again at a very early period. ["No!"] I think hon. Gentlemen will admit that last year, when the proposal was for a £7 franchise in the boroughs and a £14 franchise in the counties, that it would not have been very easy to provoke any movement in the country for a reduction in the county franchise which did not include a further reduction in the borough franchise. But now, as you are endeavouring to make the Bill, you have no value whatever in the boroughs. A man who pays a rent of £2 in a borough, if his rate is paid, and that rate is not a composition rate, will have a vote. Take the borough—if it is to be called so—the borough of East Retford, which runs down nearly to the walls of Doncaster. ["No!"] I do not know how far it is from Doncaster; but it is not too far for the Doncaster people to hear of it. In East Retford an agricultural labourer living in a house of £3, £4, or £5 rental per annum, if he pays his rates, or if his full rate be paid, will have a vote under this Bill. Every householder in the town of Doncaster, under the clause as it is now drawn, will have a vote if he lives in a house rated to the value of £15, which will be for the most part about a rental of £20. If the proposal of my hon. Friend the Member for East Surrey be accepted, his rateable value of £10 would mean in all probability a rental of £13 or £14. Therefore, in this small agricultural district, which you call a borough, you give to every man of £2 or £3 rental a vote, while in this considerable town of Doncaster you only give it to every man who lives in a house of £14 or £15 value. I put it to hon. Gentlemen opposite whether it is not advisable for them at least to accept the lowest proposal before the House, with

Mr. Bright

the view of withdrawing as much as possible from the county voters the sense of inequality and injustice under which they will live if you establish this low franchise in the boroughs and maintain a high franchise in the counties. I am quite satisfied if you were to take the franchise proposed by the right hon. Gentleman in his Bill, or even that which I understand he has proposed now—for I was not in the House when he spoke—a compromise between the £15 and £10 franchise—I believe that in the first Parliament elected under this Bill you would have my hon. Friend the Member for East Surrey (Mr. Locke King), or some one treading in his footsteps, proposing that the county franchise should be brought down lower, and arguing it on the ground that you have so greatly reduced the borough franchise. There is no reason you can offer to the inhabitants of counties why they should be disfranchised if they do not live in a house of £15, when if they lived in a £2 or a £3 house in a borough they would have the franchise. I am not about to assert that the difference between £12 and £10 is very great, or that it will make any sensible difference in the addition to the representation. All I want is to advise hon. Gentlemen to do that which now seems most likely to tend to a settlement of the county franchise, as they are manfully endeavouring to come to some permanent settlement with regard to the borough franchise. Seeing that all over the country—and judging from former Bills—particularly the Bill of 1859 of the right hon. Gentleman the Chancellor of the Exchequer, there had been a general belief that £10 should be the highest sum fixed for the county franchise, I believe if you take £10 you will find yourselves in a position of much more permanent settlement than you will if you take £15 or £12. That is all the real unanswerable argument I have to offer. I do not pretend to say the difference between £12 and £10 is very essential; but I believe that £10 is better because it is £2 lower, and infinitely better because it meets generally the view of the country, and leads you to a point of more permanent settlement than if you fix the franchise at any higher sum. With that argument, which will recommend itself to the minds of many Gentlemen here, and I hope to that of the right hon. Gentleman the Chancellor of the Exchequer, I should be very glad indeed if the House would accept

the proposal of my hon. Friend the Member for East Surrey.

MR. A. EGERTON said, that the remarks of the hon. Member for Birmingham as to the disparity between the counties and boroughs were really an argument for a uniform franchise. The hon. Gentleman who had brought forward the Amendment advocated the £10 franchise because he thought it was an excellent figure at which to fix it. But he forgot that that £10 figure was not now the same as it was formerly. The hon. Member further declared that if they did not accept this £10 figure universal agitation would be the result. He (Mr. Egerton) did not expect that if this Bill were carried in any shape, agitation would be entirely done away with. As long as agitators existed, not only in the House but out of it, agitation would continue. Even when household suffrage was arrived at, there would be agitation for residential manhood suffrage. However, the grounds for agitation would be removed, though agitators would still exist. These agitators might call spirits from the vasty deep, but they would not come. There was very little difference between £12 and £10. He should support the former. He should be very glad if £12 were accepted as a compromise, because it was virtually the figure of last year. Those who supported it then could not vote against it now.

VISCOUNT GALWAY said, that the contrast between East Retford and Doncaster was not a fair specimen of the operation of the Bill, since the former borough included a wide agricultural area.

MR. PEASE said, there were a number of towns with populations ranging from 32,000 and 16,000 to 10,000 and 8,000, either in his own county (Durham) or the one adjacent, which would not be Parliamentary boroughs, and the people of which would be discontented with their position. In these towns the only persons who had votes possessed them under the county franchise. If the Amendment reducing that franchise to £10 were not carried, a strong feeling of discontent would be fostered among the inhabitants of those towns. Keeping this fact in mind he had no alternative but to vote for the Amendment of the hon. Member for East Surrey, and to adopt the lowest possible county franchise that would be applicable to those towns. In the year 1859 the right hon. Gentleman the Chancellor of the Exchequer himself supported a £10 county franchise,

and the right hon. Gentleman the Secretary of State for India (Sir Stafford Northcote) was also in its favour. They should not now hesitate to accept it, otherwise there would be growing discontent among towns such as he had referred to.

MR. PUGH said, he rose to express a hope that the Government would find it to be consistent with their duty, as he was sure it would be consistent with their inclination, to accept the Amendment of the hon. Member for East Surrey. This was no new question to them—it had been discussed on many a well-contested field, and the principle had been adopted in previous Reform Bills. The Parliamentary horse had looked at, had not shied at it—at all events, no one had been thrown. But the circumstances under which they now discussed it were altogether new. The Government had recently sanctioned, with the approbation of the House, an unexampled extension of the franchise in the boroughs, and he concurred with those who thought that the principle should be carried out, and that there should be a corresponding, or at least a considerable, extension in the counties. The rural districts had of late years had many disappointments, but in the midst of them all—

“Unshaken, unseduced, unterrified,

Their loyalty they kept, their love, their zeal.”

Let the Government now show their confidence in them. Let them accept this Amendment, though coming from the opposite side of the House. Its Leader had often said that they wished for no party triumph, that they appealed to the House, and the House had nobly responded to their call; he thought it would be a gracious concession on their part if they were to accept the present proposition. They were now carrying out principles and doctrines often asserted, often consistently supported, within those walls — principles and doctrines of which the excess alone was dangerous, but the foundations of which were laid in unquestionable truth. The Government did not wish for a triumph over their opponents — if they might judge from the language of Lord Derby and the Chancellor of the Exchequer — nor did they wish for any triumph over the right hon. Gentleman the Member for South Lancashire. [“Oh, oh!”] He believed there was not a man in this House or in the country who would not willingly see him in any position to which his great abilities unquestionably entitled him.

[Committee—Clause 4.]

They knew that he had lost his seat for Oxford, and they thought that quite enough. [*“Oh, oh!” and laughter.*] *Sat Priamo patriæque datum*; and it was no disparagement to those who might come after him, either now or in future years, to say that that classic—that almost sacred ground—so proud, so justly exulting in the genius, the eloquence, and the intellectual power of its sons—might wait some time before it was represented by another superior to him in those qualifications—

“*Nec Romula quondam
Ullo se tantum tellus jactabit alumno!*”

He would not trespass any further on the indulgence of the Committee. He wished success to the Government in the arduous contest and amid the difficulties by which they were surrounded. He hoped that by a judicious union of conciliation on the one hand, and firmness on the other, and by the aid of the united wisdom of Parliament, which they had ever invoked, they would be enabled to bring this great question to a satisfactory and triumphant conclusion.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped that there was no mistake as to a statement he made earlier in the evening. He stated then that from the strong expression of feeling which had reached him from his own side of the House and from a portion of the other side, Her Majesty's Government were prepared to agree to the Amendment proposed by the hon. Member for East Kent (Sir Edward Dering), and to substitute the figure £12 for that of £15. If it were the pleasure of the Committee, Her Majesty's Government were prepared now to accept that figure, for they believed that good reasons might be given, especially on an occasion like the present, for parties agreeing to a compromise on the question. The hon. Member for Birmingham (Mr. Bright) referred to certain expressions used by him (the Chancellor of the Exchequer) last year, and said they were now discarded as unmeaning. They were not discarded by him, and he hoped they would not be discarded by the House. There were various interests in the country, and if those interests were fully represented, then, and then only, an efficient and complete Bill would be passed. The expression had therefore a very distinct meaning. He ought to notice an observation made by the hon. Member for East Surrey (Mr. Locke King) that he was in-

Mr. Pugh

consistent in opposing a £10 county franchise now, when he had himself proposed it in his former Reform Bill. If the hon. Gentleman would accept the conditions on which he proposed the £10 county franchise in 1859, he (the Chancellor of the Exchequer) would agree to his suggestion. If the hon. Gentleman would not accept this, there was no ground for the charge of inconsistency as to him (the Chancellor of the Exchequer), though it might possibly be against the hon. Member. He hoped that the Committee would resist the proposal of the hon. Member for East Surrey, and that, if possible, they would agree to the compromise he offered without a division. It was a serious question, and it did not altogether depend even upon the opinion of the House. He wished the Committee, while there was still time, to see if they could not, by their vote, arrive at a temperate and moderate conclusion, with a view to prevent obstacles which might occur, which might prove injurious to the future progress of the Bill. He thought it would be one of the most successful evenings in which the Committee had been engaged, if, without a division, they could agree to accept the £12 county franchise. The arguments on which the hon. Member for Birmingham based his preference for a £10 franchise were—he said so with great respect—quite futile, and would be equally efficient if used against £10. The question was not one to be settled by argument. It was not a question of principle. It must be settled by the general opinion of moderate men of all parties, who would accept the present proposal as a fair and adequate solution of this long disputed problem. He believed that his proposal would be generally acceptable, and therefore he hoped the Committee would agree to it.

MR. GLADSTONE said, that technically the question before the House was not whether the county franchise should be £10 or £12, but whether it should be £15. Probably it would, however, be more strictly correct to assume the £15 franchise as disposed of, and virtually negatived, and if so the question might be assumed to lie between the £10 and £12 franchise. In the little he had to say he must express his entire concurrence—he might say *verbum pro verbo*—in the argument of the hon. Member for Birmingham. His hon. Friend did not attempt to magnify the difference between £10 and £12 into a principle, but he

supported the £10 franchise upon the ground of its greater promise of durability. He was not prepared to accede to the doctrine of his hon. Friend and Colleague (Mr. A. Egerton) that it did not matter which figure they adopted with the view of preventing agitation, because they would always have agitators. Whether they would prevent agitation depended upon the judgment with which the House shaped its measures. He would not say that if they adopted the £10 county franchise discontent and agitation would be absolutely extinguished; but there was a prospect that they would be so insignificant that they would not seriously disturb the country, and the House might overlook them. He did not think in settling this question—as he earnestly wished to see it settled—that it would be desirable so to do it, as that agitation should be renewed at an early date, or that the House should leave such a question for renewed agitation as disturbed the settlement of 1832. What was found to be the weak point of the Act of 1832? It was the county occupation franchise which admitted the principle of an occupation franchise, but which left too broad a gap between that and the occupation franchise of boroughs. He was afraid that the same thing might happen again. The difference between the two figures now before the House was not great, but it would be a far wiser conclusion, in order to prevent a renewal of agitation, if the House were prepared with anything like a general assent to support the £10 franchise. His hon. Friend and Colleague had paid the late Government the compliment of founding his advocacy of the £12 franchise upon the fact that it was the proposal made by them last year. It was nearly co-extensive with the proposal of the Bill of last year, but the present was founded upon rating value, while the late Government founded their proposal upon clear annual value. No doubt, a rating franchise of £12 was pretty nearly equivalent to a £14 franchise of clear annual value. But they took their ground upon the £14 county rental with reference to the borough franchise of £7 rental. They proposed it under the impression that, if there were to be a distinction between the counties and boroughs, it should not be less than that. The House had now, however, gone far lower than £7, and had given the franchise to the very lowest tenements upon which rates and rental

were paid. There was therefore a very considerable enlargement of the interval between the occupation franchise in boroughs and counties. To maintain a great interval between the two occupation franchises became more difficult every year, because there was a tendency, especially in the manufacturing districts, to a diffusion of the best description of the artisans throughout the counties. Though they might get rid of the inconvenience and pressure to some extent by enfranchising new boroughs, that was a very incomplete operation, because there would still be considerable masses of diffused population unaffected by it. Heartily wishing that the £10 franchise might have been adopted, and intending, if his hon. Friend went to a division, to vote with him, he would at the same time recommend his hon. Friend (Mr. Locke King) to accept the proposal of the Government, and agree to the £12 franchise for counties. The difference was not such as would justify a division.

MR. NEWDEGATE said, he must oppose the proposal of the hon. Member for East Surrey, as it tended to give still greater influence to the town population, which was already over-represented. There were 11,500,000 inhabitants in the counties, and only 9,500,000 in the towns; whereas the former had only 162 Members and the latter 334. If therefore the House was going so nearly to equalize the franchise, it ought to be prepared also to do something in the direction of equalizing the representation. As he understood the hon. Member would not press his Amendment he would not pursue the subject.

MR. LOCKE KING said, that he would accept the proposal of the right hon. Gentleman the Chancellor of the Exchequer. At the same time, he thought that if he had not moved £10 they would not have been offered £12.

Motion agreed to: "fifteen" struck out, and "twelve" inserted.

MR. HENRY BAILLIE moved the insertion of the following proviso:—"Provided always that one-half the occupation should be in land not built upon." He said, he thought he might venture to assume the general feeling in the House to be that in any change which it might be deemed expedient to make in the Constitution of the country the representation of classes should be preserved. In consequence of the changes about to be made

in the borough franchise the lower classes would be very largely represented in the boroughs. The middle classes looked to the counties for their representation. He believed that two-thirds of the electors in the counties were 40s. freeholders. You could scarcely have a lower qualification if you were to have a franchise at all. It might have been a good franchise at the time it was established, but it had been lowered by the alteration which had taken place in the value of money. As the House were now about to legislate for the future as well as for the present, they must consider the great change which would be effected by the lowering of the occupation franchise in counties from £50 to £12. This would introduce into the franchise the occupiers of houses irrespective of land. The consequence would be that the holders of this franchise would quite swamp those who were connected with land. He wished to know whether that was the object of hon. Gentlemen opposite? The right hon. Gentleman the Chancellor of the Exchequer had more than once insisted—and he had never heard his argument denied—that the urban population was much more largely represented than the rural population. By this change they would give a still greater preponderance to the urban, at the expense of the rural population. The object of his Amendment was to retain the character of the county franchise, which had always been in connection with the land. The hon. Member for Birmingham said, that as the borough franchise had been reduced, there ought to be an equal reduction in the counties. But there was no parallel between the two cases. The Constitution had provided a distinction between the franchises in counties and in boroughs, and they would depart from the principles of the Constitution if they abolished that distinction and established a uniform franchise all over the country.

Amendment proposed, line 24, at end of paragraph 2, add "Provided always, that one-half the occupation shall be in land."

MR. PACKE said, he heartily concurred in the Amendment. The grievance of the agricultural interest was that it was not then properly represented, and this would put them in a worse position than ever. The hon. Member for East Surrey (Mr. Locke King), for instance, was a county Member, but he owed his return

to the electors of Southwark. There were many other county Members in the House who owed their return to the electors of the towns. The counties were not represented according to wealth and population in proportion to the boroughs.

MR. D. ROBERTSON said, he could have hardly conceived it possible that such a Motion could be brought forward. It would disfranchise a numerous body of men as fairly entitled to the vote as any landowner in the kingdom. It was to these occupiers that land was indebted for its increased value. That increased value arose from the towns, so to speak, walking into the counties.

MR. CORRANCE: * Sir, when I last had the honour of addressing this House upon this subject, I ventured to explain what were my real sentiments respecting this question of Reform. Such explanation is not uncalled for on this side of the House, I admit. Sir, by an hon. Member who spoke next I was told that Reformers such as I was (or as we were), would find that in this country we should fetch a very low price. As regards myself, and the opinion I expressed, I have no doubt the hon. Gentleman was right. He is, no doubt, better informed upon such a point than myself; no doubt better able to reduce to a proper and practical commercial value any political sentiment, as a means of acquiring a seat. Let me confess my inexperience in such matters, and also scarcely my regret that I have not hitherto had an opportunity of putting my votes to so practical a test. But, Sir, as regards those who were thus otherwise alluded to, let me say this, that I cannot help thinking that the hon. Gentleman will ere this have discovered his mistake. Sir, I am quite aware that I may be subject to-night to the same reproach, and I have no hope that the views I shall express upon the matter now before us will be such as will meet with the assent of the hon. Gentleman or his Friends. With them this county franchise is a sore point, for it actually returns landed men—those men, in fact, who were so classically described by the hon. Member for Nottingham as an omnibus full of heavy stupid country squires. Well, Sir, I have not the least desire to join issue on so trivial a point; it is sufficient that I share the distinction of the reproach. But, Sir, we are about to reform ourselves, and it is, perhaps, not unnecessary that we should take some securities against those terrible catastrophes

Mr. Henry Baillie

which are wont to attend rash efforts—that we may, in fact, escape the fate of the compound-householder, who has lately been improved off the face of the earth. Sir, there must have been many who were impressed with the gravity of the proceedings of Monday last, when the compound-householder was laid to rest for the last time, none can say the rites were not befittingly performed, though perhaps but few were then aware of what we have since learnt—that we attended the obsequies of the English Constitution itself. Never was nobler funeral oration pronounced than that which we heard from the eloquent Member for Calne; never since the days of Pericles one more appropriate to such an occasion as this. He seemed, Sir, to hear the crash attending the wreck of Empires and of nations lost; to stand among the skeletons which strewed the highways of the past; to see the ships which drifted with the dead to ports where all was dumb. There is, indeed, enough to moralize upon in this. For weeks, nay months, this compound-householder has occupied all Parliamentary minds; among British worthies he has held the first place in a transitory interest, which one moment has destroyed. And yet, Sir, it is in no mean company that he is gone, with Peers and Paladins around him, slain at this last great battle; his barque is thrust out from the land not alone—

Call not him alone who lieth
Low among the gallant slain;
Call not him alone who dieth
Side by side with gallant men.
Lo the ship has ceased her striving,
Till on ocean's verge arriving,
Sudden sinks the Viking's Pyre.
—*Ha. cons. gone.*

But, Sir, these are things of the past; they should not further occupy our time, of which they have, perchance, even now, taken over-much. Sir, up to this time the attention of this House has been so specially directed to this matter, that perhaps this question of the county franchise has scarcely received its due share. It is certainly of not less importance than that of the boroughs, if due regard be paid to the less noisy and pretentious claims of population or wealth. This, I think, I can undertake to show. Concerning this county franchise then, let me call the attention of the Committee to certain facts—facts calculated to throw some light upon the effect of this clause. We are deficient in statistics, and I am unable to afford any comprehensive data as to this;

but since the introduction of this measure I have been able to collect a few, which I will read to the House. It must be remembered that it is my object to show the relative proportions of those thus newly enfranchised in respect of land, and those who as urban citizens have it not. I take two acres of land with house as my test of this. The Returns are from three unions within the county I have the honour to represent, as follows—namely:—

	£	£	With two acres of Land.		Without.
Plomesgate	12 to 15	....	14	....	59
Samford ..	12 „ 15	....	12	....	40
Blything ..	12 „ 18	....	35	....	79
			Total	61	176
Plomesgate	15 „ 50	....	161	....	79
Samford ..	15 „ 50	....	59	....	44
Blything ..	15 „ 50	....	149	....	214
				369	337
Plomesgate	12 „ 50	....	93	....	218
Samford ..	12 „ 50	....	228	....	249
Blything ..	12 „ 50	....	71	....	84
				392	551

Now, Sir, what will be the effect of this, both as regards the nature of the constituencies and the interests represented? It must be remembered that this example is furnished from an unselected area in a very rural county, in which the town element is by no means strong. Inferentially the Committee will easily judge what in some other cases would be the result. That the constituencies will become urban under another name with interests identical in most respects with that of its borough town. One thing must, I think, be admitted—that in most cases these constituencies must lose their distinctive feature as any representation of a landed class. In many they will become the representatives of amalgamated towns. In my own county the number of represented and unrepresented towns stands thus—

UNREPRESENTED.		REPRESENTED.	
Bungay	3,805	Ipswich	37,950
Beccles	4,266	Eye	4,500
Halesworth ..	2,382		
Southwold ..	2,032		
Lowestoft ..	10,662		
Woodbridge ..	4,513		
Hadleigh ..	2,779		
Needham Mar-			
ket	2,000		
Framlingham	2,500		
Aldborough ..	1,500		
		36,428	42,450
Saxmundham not known.			

Approximately.
[Committee—Clause 4.

I know I may be told, "Oh, but they will return the same men through the influence of position or wealth." There is some reason to doubt this; but even admitting this, will these same men feel themselves as free as heretofore to advocate the interest of a class who have lost their political force. Once more, I think not. Perhaps, however, it may be said that this landed interest is too strong already in this House, and wonderful are the statistics quoted of the number of those who may be called landed proprietors in this House. A Mr. Cracroft has lately told us that there are 500 such, connected by what he justly calls imperceptible ties, in the House. Sir, let me confess I am not a student in *parvo*, nor versed in microscopic observation; but I think that we may safely infer that when the tie is imperceptible the duties of such towards this interest would be what the lawyers call, of imperfect obligation. No doubt the term landed proprietor admits of wide application, and is as true of the possessor of a flower-pot in fee simple as the inheritor of a dukedom; but, Sir, these niceties need not disturb our calculations when we come to things more practical, and we know at least that it is not from such that the landed interest will receive its support. Why, Sir, would a manufacturer deem his interests safe in the hands of a farmer if he had a hand-loom in his back parlour? Certainly not; and if he did he should scarcely consider him a man of sense. No, Sir, from such landed proprietors as these we know pretty well what to expect. We shall have their good words and some excellent advice; but when it comes to a question of interests, scarcely ever their vote. Let the malt tax, which we lately discussed, speak for this. I have heard the legislation on cattle plague adduced as a proof of the undue influence of landed interests in this House. I thought, Sir, that it had been under the influence of experience and common sense that these were past. I at least will not claim any exclusive possession of such qualities for any class, or as only existing on this side of the House. One thing is most sure that if unwise, then the folly has been European; if foolish, most unusual in results. As a proof of landed power the illustration is ill-chosen at least. But, Sir, it may be said that I draw too harsh a line between class and class, interest and interest, in this case. Let us examine it on this side. It may be held

desirable that representation should rest upon a broader base. That all classes should meet at one common polling-booth and there record one common vote. That county and town should meet. Now, Sir, that in such constituencies as these will be found, in no unhappy association, all the varying elements of English social life I will freely admit. That they will be at least fair exponents of English feeling I cannot deny. That some constituencies will be thus improved and strengthened I confess. They will be such constituencies as anyone of us might be proud to represent. You may still call them county, but they will form electoral districts in fact. Now, to this have hon. Gentlemen given due consideration—sufficient weight? It seems to me that they have not. Have they asked themselves how far such a system is compatible with that which exists? If they do so it appears to me that in approving this they utter a condemnation on that, and they must admit that if partially applied, it reduces this measure to a series of incongruous parts. Why, Sir, what is this system upon which the representation is based. It is one of narrow class interest, of which the borough system forms the principal and most exclusive part. And in what proportion does this exist. Well, Sir, some figures will show this. In these great electoral districts which you now propose to make you will have a population of 11,000,000; in the borough, scarcely 8,000,000; of electors, according to late Returns, 540,271; in boroughs, 489,166; of rateable value, £6,000,000; in boroughs, 3,394,902; to represent these Members, 162; in boroughs, 334. A monstrous disproportion which you make no effort to amend. Do you think that these great constituencies you propose to make will accept such a settlement as this. They will not be worthy of the franchise if it be the case. If you approve of the principle of mixed interest, can you approve of this? Do you not obviously make the better subservient to the worse. Last year, it was held necessary to lay the Bill, in its entirety, before the House; what was the reason for this? Surely that we should have an opportunity of considering each detail in due respect to the whole, both as regards the franchise and the re-distribution of seats. Have we such a Bill before us now? It is so assumed at least, and I can see no congruity between its parts. In the Re-

Mr. Corrance

form Bill of 1832 how was this question dealt with? Why, a large borough system, close and exclusive, was swept away. They were venal, or corrupt, or under influences which rendered freedom of election a farce, and as such they were justly condemned. Now, Sir, does no such thing now exist? Look at the petition list of this House. From that side of the House we hear much of bribery and corruption, and the means of cure suggested are, no doubt, excellent specimens of the way how not to do it. But, Sir, let me ask where does this bribery exist? Is it in the county representation, or the borough? Is it South Lancashire or Lancaster in which the ten righteous men only could be found? Why, Sir, I agree with the Member for Nottingham thus far, that of that borough system bribery and corruption lie at the very root, and that of the thirty immaculate Members he mentions, I would hold that at least twenty-nine are or must be county Members; the one remaining of course is his own seat. His great experience must have assured him of this. We are told that by this Bill we increase the venal class. I do not doubt it in the least. And so it must be in any possible case. Extend the borough franchise and you extend the venal class, and also that in the larger towns the power of the independent and middle classes is lost. Under this Bill its expression will be found in the counties alone—alone in the vast disproportion I have shown to exist. Is this a result we desire? Is it one of which we approve? I confess I do not. Can there be any settlement of the question thus—any just settlement which we can accept? It seems to me against all reason and common sense. Well, Sir, under these circumstances it has seemed to me desirable that the attention of the House should be directed to this. It is by far the greatest change this Reform Bill will effect. There are no longer counties, if you accept this clause. They are electoral districts in the widest sense. Deal with them justly as such. You have realized Bentham's ideal so far; give him also the scope he requires—namely, 400 seats out of 600, and let the rest be the chief towns of the counties or divisions, with some regard to population or wealth. As the hon. Member for Birmingham has said we have made some progress, and possibly begin to see some things clearer than we did; but he admits the force of this. Finally, at least let me say this—in this portion of the present

measure I can see no congruity of parts. If we accept this basis for the county franchise, then we cannot accept the borough system which exists. If the electoral district meets our views, then the borough stands condemned. There is no relation between these parts. But if, as heretofore, it is assumed that interests shall find their level in the House, I must hold that in this franchise no settlement of such a question can be found. It is wholly one-sided and utterly unjust, as the following figures will show:—

COUNTIES.		BOROUGHs.	
Members	162	Members	334
Population	11,427,615	Population	8,638,569
Inhabited } Houses }	2,290,061	Inhabited } Houses }	
Electors ..	540,271	Electors ..	489,166
Rate ..	59,695,501	Rate ..	3,394,902
1 Member to	70,541	1 Member to	25,834

MR. BEACH said, it was generally admitted that £50 was too high a figure for the county occupation franchise. The man who occupied a house at £30 or £40 felt as the man who occupied land of similar yearly values. He hoped that this Amendment would not be pressed. It would be most ungracious if, after making so large a reduction in the county franchise, they now made it a condition that half the occupation should be in land.

MR. NEWDEGATE said, the Amendment, if pressed, would lead to great difficulty in respect to registration. The point could be dealt with when the Committee came to consider that part of the Bill which related to the distribution of seats.

MR. HENRY BAILLIE said, he would ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. KINGLAKE said, he would, on a future occasion, move the proviso which stood in his name in the form of a separate clause.

MR. COLVILE said, he would bring forward his Amendment on the present clause at a later stage of the Bill.

MR. POWELL said, he would propose, as a matter of form, words taken from the 20th clause of the Reform Act, which was discussed at some length. The words were these—

“ Provided always that no person being only the sub-lessee or assignee of any under lease shall have a right to vote at such election in respect of a term of sixty years unless he shall be in actual occupation of the premises.”

[Committee—Clause 4.

As there was an objection to his Amendment being discussed without notice, he would withdraw it.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

SIR STAFFORD NORTHCOTE: Sir, I move that the clauses to 34 be postponed, in order that we may take the 34th clause.

MR. DENMAN said, he presumed it was the intention of the Government to postpone all the clauses relating to other matters, and to proceed with the clauses relating to the borough franchise. But he wished to remind them that Clause 33 referred to the borough franchise, and that he had given notice of moving an Amendment to it. It would repeal a clause of 6 *Vict.* c. 18, s. 79, which was passed in consequence of the inconvenience experienced under the Reform Act from the necessity of bringing up persons to vote at elections at a great expense, and would restore the objectionable law that existed up to that period.

SIR STAFFORD NORTHCOTE: Clauses 34 and 35 have a direct bearing on compound-householders, and it is considered desirable that we should dispose of this question as quickly as possible. There are other clauses relating to the borough franchise, but it is impossible to pick them out and dispose of them before we consider these clauses I have mentioned. The clause to which my hon. Friend refers is an important one, and no doubt a discussion will arise upon it; but at present it would withdraw our attention from the main subject.

MR. DENMAN: On the condition that we are not to be considered as prejudging anything not contained in the 34th clause, I agree.

SIR STAFFORD NORTHCOTE: We are not to consider that everything connected with the borough franchise is thus disposed of, but we say it is necessary to settle those clauses which contain the essence of the question before us.

MR. NEWDEGATE said, he wished to inquire when the second part of the Bill relating to the re-distribution of seats was likely to be proceeded with.

SIR STAFFORD NORTHCOTE: When the 34th and 35th clauses are disposed of, we will return to the 5th clause, and there will then be no interruption to the continuity of the discussion on the Bill.

Mr. Powell

THE CHANCELLOR OF THE EXCHEQUER: We will take the part of the Bill to which the hon. Gentleman refers as soon as we can. I certainly would not enter into the re-distribution clauses within an hour of the time for the adjournment of the House. I do not apprehend that to-night there will be any question about it. I shall take care to consult the feelings of the Committee before I enter into any new topic.

Motion agreed to.

Clauses 4 to 34, inclusive, *postponed*.

Clause 34 (Occupier may claim to be rated in order to require the Franchise.)

MR. HODGKINSON: I have an Amendment on the Paper having for its object the total abolition of compounding for rates within Parliamentary boroughs. I propose to introduce a similar Amendment at the end of Clause 3. The Chancellor of the Exchequer having approved of the principle of my Amendment, I withdrew it. The Chancellor of the Exchequer undertook to introduce clauses carrying out the principle of my Amendment, and these clauses have been introduced. Two of the clauses are, in my mind, objectionable; but, as I understand and believe, they are to be withdrawn, I think it unnecessary to press the Amendment in my name on the Paper. On the understanding that the Clauses 3 and 4 introduced by the Chancellor of the Exchequer are to be withdrawn, I withdraw my Amendment.

SIR ROUNDELL PALMER: I wish to point out that unless some alteration be introduced into this clause the effect of it as at present drawn will be to continue the compounding system for the whole year. Consequently, the claims under the first registration will have to be in the objectionable manner first proposed by the Bill.

THE CHANCELLOR OF THE EXCHEQUER: Order is the first duty of private individuals and public assemblies. Therefore I will move my Amendment. But for the acceleration of business I may say that I have not withdrawn the 3rd and 4th clauses, because I wish to have an expression of opinion on the part of the Committee on the subject. I have put them on the table because I thought there was embodied in them the general opinion of the House. If that be not so, I lay no stress upon them. The suggestion made

by the hon. and learned Member for Richmond is perfectly correct, and I shall propose that nothing in the Act contained shall affect any composition existing at the time of the passing of the Act, but that no composition shall remain in force after the 29th of September next. It will be necessary to bring in a new 35th clause to carry out that which I will lay upon the table to-night.

Amendment proposed, in line 29, after the word "rated," to insert, "at the time of the passing of this Act to the poor rate."—(*Mr. Chancellor of the Exchequer.*)

Mr. AYRTON: It is necessary that we should make some reference to the Composition Acts, and I would suggest to the Solicitor General to introduce a clause for the purpose. As far as I can discover there are numbers of them throughout the country.

Mr. DENMAN: I do not know whether the Chancellor of the Exchequer has directed his attention to the clause as originally proposed by the hon. Member for Newark, who consulted me when he resolved to introduce a proposal to abolish the compound-householders. I do not know whether the right hon. Gentleman would think there would be any difficulty in adopting the words as originally proposed by the hon. Member for Newark, because that would be the best mode of doing what we all agree should be done. The words of that clause would enable Parliament to do what the Small Tenements and Compounding Acts enable two-thirds of the ratepayers to do. That is, it would enable Parliament to repeal the Small Tenements Act, except as regards rates actually made and still pending. It would not do now to enable two-thirds of the ratepayers to bind one-third when it is a question of the franchise. What difficulty is there in Parliament's assuming the power possessed by those two-thirds? Why should it not be done by a vote of the Legislature instead of the ratepayers?

THE CHANCELLOR OF THE EXCHEQUER: The matter is not so easy as the hon. and learned Gentleman supposes. You might repeal the Small Tenements Act, but you could not repeal all the local Acts, because they embrace other topics besides rating, such as lighting, cleansing, &c. It is therefore impossible to repeal the local Acts, and we think it

will be better to adopt the uniform arrangement we have suggested.

Mr. DENMAN said, that the clause of his hon. Friend (Mr. Hodgkinson) only proposed to repeal the local Acts as regards rating, and was confined to that one object.

Mr. HIBBERT said, that if the 3rd and 4th sections of the right hon. Gentleman were omitted very much the same operation would be effected by the other clauses as that proposed by the Amendment of the hon. Member for Newark. He did not believe that there was any disagreement of opinion as to the object to be obtained. Referring to what was said at an earlier part of the evening by the Chancellor of the Exchequer, it appeared to him that the right hon. Gentleman was endeavouring to meet the views of those who sat on the Opposition side of the House. He thought that the clauses of the hon. Member for Pontefract were objectionable from the first. He trusted that the hon. Member for Newark would agree to the proposal of the Chancellor of the Exchequer and so put an end to the compound-householder.

SIR LAWRENCE PALK said, he thought it somewhat extraordinary that an Act for the reform of the constituency of England and the enlargement of the representation of the people should be made a means of making a large and extensive alteration in the rating of houses under the Poor Laws of the country. He could not but think that if they too hastily repealed those laws respecting compound-householders great confusion and difficulty would arise, especially in large towns where there was a great advantage in compounding. He was perfectly willing to free the compounder from compulsion. He never could understand why the man who paid the rates in his rent was not as eligible for the franchise as the man who was under a lower rent and paid the rates directly to the collector. The man who paid his rates in his rent might be more worthy to obtain the franchise than the man who paid a lower rent, but paid directly the full rates. It might be his stupidity, which the hon. Member for Nottingham (Mr. Osborne) attributed to the Conservative party generally, but he could never understand the difference between the one class of ratepayers and the other, so far as the claim to the franchise was concerned. The whole system of compound rating ought to receive considerable attention,

[Committee—Clause 34.]

and it could not be disposed of simply by a few words inserted in a clause of a Bill for the enlargement of the franchise.

SIR ROBERT COLLIER said, he suffered from the same stupidity in regard to this question as that of the hon. Baronet in failing to understand the reason why a difference should be made between the two classes of householders referred to in regard to the possession of the franchise. The question, however, then was as to the wording of this clause. It appeared to him that the Chancellor of the Exchequer had overrated the difficulty of dealing with the local Acts upon this subject of rating. He was, however, inclined to think that the words of the Chancellor of the Exchequer did all that was required, and he saw no reason why they should not be adopted by the Committee.

MR. NEATE said, that as they were about to take a step in the dark into household suffrage, the time was now come when the Chancellor of the Exchequer ought to give them some general idea of what a house was. In his judgment, and that of many other hon. Members, the pecuniary test was the best, but by the tactics which had been pursued on both sides of the House the majority had been precluded from expressing that opinion. He was not prepared for this measure of extensive democracy and household suffrage without some test; it would, in his opinion, be a very great mistake.

THE CHAIRMAN put the Question, Clause 34, page 11, line 29, leave out after "where" to end of Clause, and insert—

"The owner is rated at the time of the passing of this Act to the poor rate instead of the occupier in respect of a dwelling-house or other tenement situate in a parish wholly or partly in a Borough, his liability to be rated in any future poor rate shall cease, and the following enactments shall take effect with respect to rating in all Boroughs :

1. After the passing of this Act no owner of any dwelling-house or other tenement situate in a parish either wholly or partly within a borough shall be rated to the poor rate instead of the occupier except as hereinafter mentioned."

SIR ROUNDELL PALMER said, he had no objection to this first proposal, having in view the words at the end of the clauses, namely—

"Nothing in this section contained shall affect the liability of any owner to be rated instead of the occupier, under any Act in respect of any dwelling-house wholly let out in separate apartments or lodgings."

Amendment agreed to.

Words added.

Sir Lawrence Palk

THE CHAIRMAN then proposed the 2nd section of the Amendment—

"2. The full rateable value of every dwelling-house or other separate tenement and the full rate in the pound payable by the occupier and the name of the occupier shall be entered in the rate book."

MR. AYRTON said, that the words "he shall be rated as an ordinary occupier," which were in the general sections of the Bill, were not used in the present clause. It seemed to him desirable that the same words should be used throughout.

MR. HIBBERT said the compound-householder ceased to exist, and it therefore did not matter.

MR. AYRTON said, he wished to ask why was he put into the other clause? If the words had no meaning they should be excluded.

MR. GATHORNE HARDY said, that in the two sections of the clause the full rateable value was to be put on the dwelling. That was exactly the same rate that would be paid by an ordinary occupier.

Amendment agreed to.

Words added.

THE CHAIRMAN then proposed the 3rd section—

"With the joint consent of the owner and occupier given in the form marked in the Schedule hereto, the overseers or other authority empowered by law to make the poor rate shall rate the owner instead of the occupier, and may compound with the owner for the rates, in conformity with the provisions of any statute for rating the owners instead of the occupiers in force in the parish at the time of the passing of this Act, or in conformity with the provisions of the Act of the Session of the thirteenth and fourteenth years of the reign of Her present Majesty, intituled 'An Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements,' where the same shall have already been or may hereafter be adopted by the vestry; but no occupier of any dwelling-house or other tenement the owner of which is rated with the consent of such occupier as aforesaid shall be entitled to be registered as a voter for any Borough."

MR. AYRTON said, he had given notice to move its rejection, and to substitute for it a provision which would enact that, if the occupier of a house let for a shorter term than one year should omit to pay any rates due, the owner should after two months become liable for them. It was evident that some provision of the kind was needed. The whole thing was in a transition state, and it would be necessary to do something to enable the guardians of parishes properly to administer their

affairs now that their former arrangements were so much interfered with. It had been stated that the 3rd section of the Chancellor of the Exchequer's Amendment had been placed on the Paper because the Government had presumed the Motion made by the hon. Member for Pontefract (Mr. Childers) was approved by the Opposition. The Amendment of the hon. Member for Pontefract, however, was regarded by all with whom he had communicated on the subject with perfect horror, as infinitely worse than the original provisions of the Bill with regard to the compound-householder. The question now, however, was what could be done to meet the new difficulty that presented itself. The moment they went below a yearly tenancy, and the periods of rating and rental were not coincident, the difficulty would begin. When the owner chose to let his property from week to week the occupier could no longer be regarded as permanently available to the collector of the rates for the proper discharge of the liability, and therefore the owner ought to be responsible for the rates. This question was quite independent of that of composition, and he did not think that the proposal which he wished to make would have any effect upon the franchise. At all events, there was no reason why a person who had got sufficient time to pay his rates, and from whom the rates had been duly demanded, should have a vote. The section violated every principle for which that side of the House had been contending, and would satisfy no principle for which hon. Gentlemen on the opposite side had been contending. There was only one redeeming provision with respect to composition, and that was, that neither the owner nor the occupier had anything to do with it, the authorities alone having the power of determining the composition. The proposed clause would allow the ratepayer to decide whether the composition should be paid. While he did not support the principle of composition or accept the proposal that it should be abolished, he wished to point out one important point, and that was, How were the rates to be collected? That in the metropolis was a grave question. As regarded the letting of houses by the year, there ought to be no difficulty at all, for the tenant was supposed to be a responsible person, and he did not see why the owner should incur any obligation as to the payment of rates. But below a yearly tenancy a difficulty would arise, for the

periods might not be coincident with the periods of rating. In that case the owner ought to be responsible. Again, if the owner let his house in separate apartments, there was no tenant co-extensive with the liability of the house, and the landlord ought to be liable. He submitted to the Chancellor of the Exchequer the propriety of adopting the provisos of which he had given notice. These provisions would relieve the metropolitan and other large boroughs of a great difficulty in the collection of rates. He considered the principle of the Chancellor of the Exchequer unsatisfactory, because it revived the principle of composition, which must either be retained as a whole or abolished altogether.

MR. HODGKINSON said, he thought the Committee must be nauseated with the compound-householder. There were good reasons why this third provision should not be retained in the clause. In the first place, instead of abolishing the compound-householder, it would continue him in a more objectionable form. In the next place, it would cause considerable pecuniary loss to the parishes. It would enable the landlord to dictate to the tenant whether he should be rated or not. It would allow him to choose the particular class of tenants who should be admitted to the franchise. The tendency of the proposal would be to place on the register what had been called the "residuum" of voters. The landlord would naturally avoid compounding for those by whom he would be likely to lose. He would not be willing to let the better class of artisans pay their own rates. In that case the percentage he might gain would not go into his pocket. The general objection to the clause was that it would place the franchise at the disposal of the landlord, who might extend it or refuse it at his pleasure.

THE CHANCELLOR OF THE EXCHEQUER: Though sympathizing deeply with the hon. Member for Pontefract (Mr. Childers) I am not prepared to carry my sympathy with him to a Quixotic point. I may therefore, without personal offence to the hon. Gentleman, say that we will not insist upon the 3rd or even the 4th section. With respect to the observations of the hon. and learned Gentleman the Member for the Tower Hamlets he has spoken upon a point that is not strictly before the Committee. But I acknowledge the justice and the force of the hon. and learned Gentleman's observa-

tions, and have, to a certain extent, anticipated them by the proviso I have placed upon the Paper.

3rd and 4th sections *withdrawn*.

Mr. AYRTON moved to insert the following words:—

“Where the dwelling-house or other tenement shall be let to an occupier for a shorter period than for a year, the owner as well as the occupier shall be rated to the poor rate in respect thereof, but the liability of the occupier to pay the rate shall not be thereby affected; and in case the occupier shall not pay the rate within two months after the same shall have been demanded of him, as hereinafter provided, the owner shall pay such rate.”

Mr. GLADSTONE said, it appeared to him that his hon. and learned Friend had associated two subjects which ought to be dealt with distinctly. Still, the first part of his hon. and learned Friend's Amendment raised a point untouched by the proposal of the Government. No doubt a very broad distinction might, and for all practical purposes ought to be drawn between houses held on long and short tenures. To the man who paid his rent every quarter or half year it could be no hardship to meet the demands of the rate collector, but to the weekly tenant it was otherwise. The laying by money which was natural in the one case would be a matter of great difficulty oftentimes in the other, and consequently to the weekly tenant it was of great importance that his weekly payment should dispose of all his liability in respect to his house. The adoption of any other plan would be attended with inconvenience. The parish would have to look after tenants of a very unsatisfactory character, and there would be great difficulty in arranging the amount of the rate to be borne, on the expiration at intermediate times, by the incoming and the outgoing tenants. The imperative nature of these considerations had led to the payment of rates through the landlord to an extent, especially in boroughs, of which the House had but little idea. His hon. and learned Friend had framed his Amendment in such a manner that the tenant incurred all the liabilities which Her Majesty's Government thought ought to fall upon him in order to entitle him to the exercise of the franchise. He hoped, therefore, that the proposal would be accepted.

Mr. BRIGHT said, he took rather a different view of this proposal from that taken by the right hon. Gentleman. It

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seemed to him that if this Amendment were not agreed to, the landlord and tenant would be left exactly in the same position as they were before the composition system began, as respected the parochial authorities. The effect of it, if passed, would be that in certain cases where the tenant took what in his part of the country was called a “moonlight fitting,” and did not pay his rate, the landlord, who in all probability would lose a portion of his rent, would be called upon to pay the rate. His own feeling was that the power on the part of the parish to obtain payment of the rate from the occupier was sufficient to make it unnecessary to entertain any very great sympathy with the parish in the matter. That portion of the Amendment which stated that if the tenant were not to pay the rate within two months after the same shall have been demanded, the owner should pay the rate, would not be reasonable. The tenant, so far as the question of the franchise was concerned, would not be at liberty to pay his rates until the 20th of July, and the period at which it would come upon the landlord would be some time after the 20th of July. So that the tenant, during all that time, would have a chance of paying it. He did not want to raise any objection to the Amendment if the Committee should think it was necessary, but that part of it would require to be altered.

Mr. DILLWYN said, he thought it would be unfair that the owner should be made liable as well as the occupier, when the power of collecting the amount was taken away from him.

Mr. GATHORNE HARDY said, he believed that the Amendment would revive the difficulties between owners and occupiers which had pervaded these discussions. He was not in the House when the Amendment of the hon. Gentleman the Member for Newark was discussed; but when he heard of the decease of the compound-householder he had rejoiced at it, and had thought that the calamity, if calamity it was, was not one to be deplored. He had been astounded at the proposal of the hon. and learned Member for the Tower Hamlets, who, if he understood him aright, had spoken in favour of the compounding system. The matter was one for arrangement between the occupier and the owner. The Committee proceeded too much on the notion that the two classes could not settle their own

affairs. He believed that was a matter which the parties might be left to arrange between themselves. As long as the man paid his full rate he could not see that it made any difference whether he paid it himself or through his landlord, for, in the latter case, the landlord could only be regarded as his agent. The objection which the Government had entertained to the payment of compounded rates through the landlord was due to the fact that men would get on the register without paying the full rate, and that persons therefore paying unequal rates would be equally entitled to the franchise.

MR. J. STUART MILL said, that in addition to the objection mentioned by the right hon. Gentleman, the Amendment would place the weekly tenant of a dwelling-house in a worse position than the weekly tenant of a lodging who would not have to pay any poor rate.

MR. CANDLISH said, he wished to know the meaning of the words "separate apartments," in the second part of the Amendment of the hon. and learned Member for the Tower Hamlets, and also in the proposal of the Government. He wished to know their meaning as distinguished from lodgings, as he was apprehensive that they might operate against the enfranchisement of a class of occupiers—those occupying portions or "flats" of houses, though each "flat" had a separate door and was divided from the other portions of the dwelling—whom the House had already declared ought to be enfranchised. The words were ambiguous, and unless their meaning was explained, he should move their omission from the clause.

MR. THOMAS CHAMBERS said, that the question which arose with regard to the metropolitan parishes was not the question of compound-householders, for in many districts the Small Tenements Acts were not applied at all. Under certain local Acts, however, no less than 77,749 occupiers of £10 and upwards, gross estimated rental, were rated and in an analogous position to compound-householders elsewhere. In any case where an owner was rated instead of an occupier, the owner should be made liable for the rates, provided the occupier did not pay them. That would protect the parish in the case of insolvent or dishonest occupiers, who would not pay the rates. It would also carry out the first proposal of the Chancellor of the Exchequer, that all

occupiers not rated must come forward and claim to be rated, in order to acquire the franchise.

MR. AYRTON said, that on the Government must rest the responsibility of reverting to the system of collecting the rates from the occupiers, which experience had proved to be impracticable, and which Parliament had admitted to be so. After the statement of the right hon. Gentleman (Mr. Gathorne Hardy) the Committee would have to consider whether they must not strike out the words of the 3rd clause from which all this embarrassment arose. How could the Government insist on the personal payment of rates, and then when they came to the consequences disclaim all that they had said before?

MR. GATHORNE HARDY said, that there had not been any inconsistency on the part of the Government. They had objected to the occupier paying the composition rate because that would have left the present system in full operation, and he would not really have been a ratepayer at all. But there had been no controversy as to the fact that a person paying the full rate by other hands than his own to all intents and purposes paid it himself.

Amendment negatived.

MR. AYRTON moved to insert—

"Where the dwelling-house or tenement shall be wholly let out in separate apartments or lodgings, the owner of such dwelling-house or tenement shall be rated in respect thereof to the poor rate."

MR. CANDLISH said, he would repeat his question, and inquire the meaning of the words "separate apartments." He would urge the propriety of providing for the occupants of "flats," of which there were many in Northern boroughs.

MR. BRIGHT said, he wished to ask whether the Government intended to withdraw their proviso, that existing compositions should remain unaffected for a period of twelve months.

MR. GATHORNE HARDY said, that proviso was intended to keep alive anything existing under the present Acts of Parliament, whereas the hon. and learned Member for the Tower Hamlets proposed to enact something new with respect to houses let out in separate apartments or lodgings. His Amendment standing first, the Government were quite willing to accept it, it having much the same meaning as what they proposed. With regard to "flats" this depended mainly on the definition of a house. Where they were separately

rated they would be treated as separate tenements.

SIR ROUNDELL PALMER said, that it would be well to wait for the interpretation clause which the Attorney General had promised to prepare. The interpretation clause, which was to define what a house was, should also define what was meant by a separate apartment.

MR. HEADLAM said he wished to know who would be rated in the case of a man owning a house but living altogether away from it, not even keeping a servant there, and letting the ground floor to A and the first floor to B. Would the owner be rated, or either, or both of the tenants A and B?

THE ATTORNEY GENERAL said, the discussion that had arisen upon this subject showed the prudence of postponing the endeavour to define the meaning of the words "dwelling or dwelling-house" until they came to the interpretation clauses. When the question as to the definition of a separate apartment came to be considered it would be entirely under the control of the Committee.

MR. HEADLAM said, that as the clause depended entirely upon the meaning which was to be attached to those words, it would be inconvenient to postpone defining their meaning.

MR. BRIGHT: As I understand the difficulty of the hon. Member for Sunderland, it is this. By this clause the owner—meaning the person who is actually the owner, or may be a kind of middleman who lets a house in apartments to a party of lodgers—is to be rated, and those who hold the apartments as lodgers are not to be rated, and that none of those lodgers will get a vote under this Bill. It may be that a person who does not live in the house may be rated and have a vote, while all the occupiers are excluded from the vote.

MR. CRAUFURD said, he thought that the effect of the words now under consideration would be to disfranchise every barrister in Lincoln's Inn.

MR. GOLDNEY said, he thought the Amendment was a very just one.

MR. LOCKE said, he did not see any necessity for the proposed alteration.

MR. DENMAN said, he would suggest the insertion of the words, "such apartments or lodgings not being a house or dwelling-house such as are hereinafter defined."

MR. GATHORNE HARDY said, that
Mr. Gathorne Hardy

as the clause stood the landlord would get the benefit of the composition rate, whereas under the Amendment he would not. The Government proposal was based on what they found in local Acts, with regard to which there had been decisions of the Courts of Law.

MR. J. STUART MILL moved the omission of the words "separate apartments or" in the Amendment.

MR. HEADLAM said, he thought that, after all, it might be as well to postpone the decision of the Committee upon this subject until they came to discuss the interpretation clauses.

MR. AYRTON said, he declined to accept any responsibility for having selected the words in his Amendment which he had taken bodily out of one of the Government Amendments. If the clause were adopted as it stood, it would revive the system of composition, and among one class only.

MR. SERJEANT GASELEE said, that the words used by the Government were perfectly correct. They were settling a Reform Bill, and not the differences of parishes and vestries. He would suggest that both clauses should be omitted.

SIR ROUNDELL PALMER said, he would suggest as a mode of removing the difficulty that the words of the hon. and learned Member should be adopted with the following variation:—"Apartments or lodgings not separately rated."

MR. GATHORNE HARDY said, he would consent to the Amendment with the proposed alteration.

Amendment *withdrawn*; then another Amendment containing the alteration proposed, put and *agreed to*.

THE CHANCELLOR OF THE EXCHEQUER moved the following Provisoes:—

(1.) "That nothing in this Act contained shall affect any composition existing at the time of the passing of this Act, so, nevertheless, that no such composition shall remain in force beyond the period of twelve months from the time of passing of this Act.

(2.) "That nothing herein contained shall affect any rate made previously to the passing of this Act, or any such existing composition entered into as last aforesaid, and the powers conferred by any subsisting Act, for the purpose of collecting and recovering a poor rate, shall remain and continue in force for the collection and recovery of any such rate or composition.

(3.) "That where the occupier, under a tenancy subsisting at the time of the passing of this Act, of any dwelling-house or other tenement which has been let to him free from rates is rated, and has paid rates in pursuance of this Act, he may

deduct from any rent due or accruing due from him in respect of the said dwelling-house or other tenement, any amount paid by him on account of the rates to which he may be rendered liable by this Act."

On Question, "That the clause, as amended, stand part of the Bill,"

MR. SERJEANT GASELEE said, that it was quite impossible to know what was going on. He had not heard a word of the last two or three speeches.

SIR RAINALD KNIGHTLEY said, that for some time past there had been confidential communications passing across the table. Those hon. Members who sat below the gangway heard nothing of what had passed. He moved that the whole clause be now read by the Chairman.

THE CHAIRMAN having repeated the Question,

LORD HENRY THYNNE said, he must remind the Chairman that it had been moved that the clause should be read. No one sitting below the gangway had heard for some time what was going on.

THE CHAIRMAN said, he begged to point out to the Committee that the Motion that the clause be read from the Chair was not a Motion which could be recognised in a Committee of that House, nor one that could be put from the Chair. Nevertheless, if the Committee thought that it was for their convenience that the clause, as amended, should be read, he was perfectly ready to read it.

SIR RAINALD KNIGHTLEY moved that the Chairman report Progress.

SIR GEORGE GREY said, that if it was the general wish it might be reasonable that the clause should be read.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that they should not be too severe in the application of their rules. If any Member was not cognizant of the details of the clause the Committee would no doubt be obliged if the Chairman would read it.

THE CHAIRMAN having read the clause, as amended, the Question was put and agreed to.

Clause ordered to stand part of the Bill.

Clause 35 (First Registration of Occupiers).

THE CHANCELLOR OF THE EXCHEQUER said, that in consequence of the course that had been taken it had become necessary to re-construct Clause 35. He

had mentioned a few minutes ago that he should move to report Progress at this stage. But the Committee seemed indisposed to adopt that suggestion, and it would therefore probably be better to go on. He would read the clause as it had been altered:—

"Where any occupier of a dwelling-house or other tenement (for which the owner at the time of the passing of this Act is rated or is liable to be rated) would be entitled to be registered as occupier in pursuance of this Act at the first registration of Parliamentary voters to be made after the passing of this Act, if he had been rated to the poor rate for the whole of the required period, such occupier shall, notwithstanding he may not have been rated prior to the twenty-ninth day of September one thousand eight hundred and sixty-seven, as an ordinary occupier, be entitled to be registered subject to the following conditions:—

(1.) "That he has been duly rated as an ordinary occupier to all poor rates in respect of the premises, after the liability of the owner to be rated to the poor rate, has ceased under the provisions of this Act.

(2.) "That he has before the twentieth day of July one thousand eight hundred and sixty-eight, paid all poor rates which have become payable from him as an ordinary occupier in respect of premises up to the preceding fifth day of January, together with all arrears of poor rates, if any, due from the owner before his liability to be rated ceased as hereinbefore mentioned."

THE CHAIRMAN put the Question that after the words "dwelling house" in the original clause the words "or other tenement" be inserted.

SIR FRANCIS GOLDSMID said, he thought that some explanation should be given of the reason for inserting these words.

MR. GATHORNE HARDY said, that the words were necessary, as the clause included the local Acts.

VISCOUNT CRANBORNE said, he wished to ask for a fuller explanation of the clause. Was he to understand that a new voter in the first batch was to be admitted upon paying one quarter's rate only? If a compound-householder ceased to become a compounder on the 1st October, and paid rates up to the 5th January, would he become entitled to vote under this Bill?

THE CHANCELLOR OF THE EXCHEQUER said, that the voter would have time until the next July to pay.

VISCOUNT CRANBORNE: But what rates would he have to pay before he could be registered in July, 1868.

THE CHANCELLOR OF THE EXCHEQUER said, his noble Friend had rightly interpreted the effect of the clause. The

rates were to be paid up to the 5th January.

SIR ROUNDELL PALMER said, he wished to ask, whether the clause was so framed as to make it possible to have a first registration before 1868, in the event of the Bill not passing in time to admit a registration at the ordinary period.

THE CHANCELLOR OF THE EXCHEQUER said, it was.

MR. GLADSTONE said, he thought it without precedent that a clause should be brought up without notice. He did not think it possible to have a clause better drawn for its purpose; but as it was brought up without notice, and determined a point of importance on which the Committee had never entered yet—namely, whether it was desirable to have the first registration under the Bill in July, 1868, or whether, as he believed was done under the Reform Act, there should be a special registration for the purpose—he suggested that further time should be allowed for its consideration.

THE CHANCELLOR OF THE EXCHEQUER said, it was not his wish to proceed further to-night; he went on simply in deference to the wishes of several hon. Gentlemen.

MR. GATHORNE HARDY said, there was another point connected with what the right hon. Gentleman opposite had said, which would have to be very carefully considered; and that was, whether the time which was allowed at present between the 20th of July and the end of July was at all sufficient for a proper registration. If anybody expected that the Bill would pass in time to permit a registration on the 20th of July next, he must be sanguine, indeed.

VISCOUNT CRANBORNE said, he would urge that the consideration of the clause should be postponed. He had received representations from the Clerks of the Peace Association, stating that in consequence of the additional number of voters, the existing staff would be totally insufficient.

THE CHANCELLOR OF THE EXCHEQUER moved that the Chairman report Progress.

House resumed.

Committee report Progress; to sit again To-morrow at Two of the clock.

The Chancellor of the Exchequer

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

1. *Resolved*, That, towards making good the Supply granted to Her Majesty, the Commissioners of Her Majesty's Treasury be authorised to raise any sum of money, not exceeding one million seven hundred thousand pounds sterling, by an issue of Exchequer Bonds.

2. *Resolved*, That the principle of all Exchequer Bonds which may be so issued shall be paid off at par, at any period not exceeding five years from the date of such Bonds.

3. *Resolved*, That the interest of such Exchequer Bonds shall be payable half-yearly, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof.

4. *Resolved*, That, towards making good the Supply granted to Her Majesty, the sum of £14,000,000, be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Resolutions to be reported To-morrow, at Two of the clock; Committee to sit again upon Wednesday.

METROPOLITAN POLICE BILL.

On Motion of Mr. Secretary GATHORNE HARDY, Bill for amending the Law with respect to the accounts of the Receiver for the Metropolitan Police District; and for other purposes relating to the Metropolitan Police, ordered to be brought in by Mr. Secretary GATHORNE HARDY, Mr. SCLATER-BOOTH, and Mr. HUNT.

Bill presented, and read the first time. [Bill 171.]

House adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Tuesday, May 28, 1867.

MINUTES.]—SELECT COMMITTEE—On Tenure (Ireland), Lord Dunsany added.

PUBLIC BILLS—First Reading—Pier and Harbour Orders Confirmation* (117).

Second Reading—Statute Law Revision (106); Public Libraries (Scotland) Acts Amendment* (85).

Committee—Increase of the Episcopate (96 & 118).

Report—Criminal Law* (81).

Third Reading—National Debt* (111); Habeas Corpus Suspension (Ireland) Act Continuance (No. 2)* (114).

INCREASE OF THE EPISCOPATE BILL.

(The Lord Lyttelton.)

(NO. 96.) COMMITTEE.

House again in Committee according to Order.

Clause 13 (Provision of Assistance for Bishops disabled by old Age or Infirmary).

EARL GREY proposed to omit the Clause and to substitute the following Clauses in lieu thereof:—

“And whereas it is expedient that Assistance should be provided for Bishops who may require it for the more effectual Performance of their Duties; be it enacted, That if the Bishop of any Diocese in England or Wales shall petition Her Majesty to appoint One or more of the Persons holding the Office of Dean or Archdeacon in his Diocese to be Assistant Bishop of the same, it shall be lawful for Her Majesty, if She shall think fit, to present such Dean or Archdeacon by Her Letters Patent under the Great Seal to the Archbishop of the Province, and to require the Archbishop to consecrate the Person so presented to him as Assistant Bishop of the See held by the Bishop whose Petition has been submitted to Her Majesty; and it shall be the Duty of the Archbishop to consecrate accordingly within Three Months of his receiving the Letters Patent the Person therein named.

“It shall be lawful for Assistant Bishops so appointed to act for any Bishop in the Discharge of such of his Episcopal Functions as he may empower them to perform for him by a Commission under his Hand and Seal; but no Assistant Bishop shall take upon himself any Episcopal Functions except under the Authority of a Commission granted by the Bishop actually holding the See wherein the same are to be performed, and every such Commission shall be revocable at the Pleasure of the Bishop by whom it is granted.

“It shall be lawful for Her Majesty in Her Letters Patent for the Consecration of such Assistant Bishops to direct that they shall be styled Bishops of such Places not being those from which existing Sees are named, as She may think fit.

“Such Assistant Bishops shall take Rank and Precedence immediately above Deans, except that no Assistant Bishop shall be entitled to take Precedence of a Dean in his own Cathedral Church or Chapter, where every Dean shall continue to enjoy the Precedence and Authority to which he is now entitled.”

The noble Earl was understood to say that he would consent to certain modifications which had been suggested to him by the most rev. Primate.

EARL NELSON, while he supported the first clause proposed by the noble Earl, would suggest that it was desirable that a Bishop should have power to appoint more than one Assistant Bishop. This would meet a want which he believed was much felt by the Bishop of London, who had

jurisdiction in reference to foreign congregations, and also had a control over army and navy chaplains. It would be reasonable, he thought, that an Assistant Bishop should be appointed in reference to each of these branches of jurisdiction.

THE EARL OF ELLENBOROUGH thought some provision would have to be made for defraying the travelling expenses of those Assistant Bishops whose duties called them abroad.

THE ARCHBISHOP OF CANTERBURY moved an Amendment on the 1st clause proposed by the noble Earl the omission of the word “or” after the words “holding the office of dean,” and the insertion of the words “canon or rural dean.”

EARL GREY had no objection to the insertion of the word “canon.”

THE BISHOP OF ST. DAVID'S said, he did not consider this a matter of much importance. If there were no limit the Bishop of a diocese would act according to the spirit of the clause by selecting his Assistant Bishop from among the highest dignitaries of his see; and therefore he had no objection to the choice of the Bishop being limited in the manner proposed by the noble Earl.

THE BISHOP OF LONDON was also of opinion that the matter was not of much importance. But there was one argument that occurred to him in favour of the proposed limit—namely, that if the Commission were in any case withdrawn from a person holding the position of Dean or Archdeacon, he would still continue as before a dignitary of the diocese; whereas an ordinary clergyman would in such a case lose the high position which had been conferred upon him, and would no longer be one of the dignitaries of the diocese.

THE EARL OF HARROWBY said, he could not see the object of the proposed limit. He did not see why the choice of the Bishop in the selection of his Assistant Bishop should be limited.

THE BISHOP OF OXFORD thought it would be well to leave a larger field of selection to the Bishop than the words of the clause at present allowed. He trusted the words “rural dean” would be agreed to as proposed by the most rev. Prelate. The preservation of the territorial title would remove a great many difficulties in the working of dioceses connected with large towns.

LORD STANLEY OF ALDERLEY took it for granted that when the commission of the Assistant to any particular

Bishop determined he would cease to retain any official power in the diocese. He thought the selection should be left perfectly open to the Bishop.

THE EARL OF POWIS was also in favour of leaving the selection entirely open to the Bishop, confiding, for proper selection, in the veto of the Crown.

LORD WHARNCLIFFE said, he also thought it not wise to place any restriction on the selection of the Bishop.

LORD LYTTTELTON said, he would be satisfied with any form of the Amendment which might recommend itself to the adoption of the Committee.

Clause 13 omitted.

Then the first clause proposed by Earl GREY amended by the insertion of the words, "canon, honorary canon, prebendary, or rural dean," after the word "archdeacon."

THE ARCHBISHOP OF CANTERBURY moved to add to the end of the clause a provision to the effect that no such appointment or consecration should render void any benefice or cathedral preferment then held by such person.

THE EARL OF SHAFTESBURY wished to know whether it was intended that the person appointed should at the same time hold a parochial benefice? He thought it would be a novelty to allow a Bishop to hold a parochial cure.

THE ARCHBISHOP OF CANTERBURY said, that the Colonial Bishops did so.

THE BISHOP OF LINCOLN said, he must remind their Lordships that the new Suffragan Bishops were not endowed.

EARL RUSSELL observed, that the holding of benefices *in commendam* by Bishops had been abandoned, and he did not understand why the practice should now be revived.

THE EARL OF DERBY said, that the office of Assistant Bishop would be an unpaid office. Who could expect a clergyman to give up his benefice, which might constitute his whole income, in order to accept an office which was a purely honorary one?

THE EARL OF SHAFTESBURY observed, that what had to be considered was the requirements of the parish, which had a right to the administration of the parochial clergyman.

THE BISHOP OF LONDON said, that the office of Assistant Bishop was analogous to that of Archdeacon; and an Arch-

deacon could perform similar duties without vacating his benefice.

Amendment agreed to.

Clause, as amended, agreed to.

It was then moved that the next of Earl GREY's clauses be added to the Bill—

"It shall be lawful for Assistant Bishops so appointed to act for any Bishop in the Discharge of such of his Episcopal Functions as he may empower them to perform for him by a Commission under his Hand and Seal; but no Assistant Bishop shall take upon himself any Episcopal Functions except under the Authority of a Commission granted by the Bishop actually holding the See wherein the same are to be performed, and every such Commission shall be revocable at the Pleasure of the Bishop by whom it is granted."

LORD PORTMAN objected that this clause as worded would enable an Assistant Bishop, once appointed for a particular diocese, to exercise similar functions in another.

THE BISHOP OF LONDON observed, that as it was generally deemed desirable there should be as few of those Assistant Bishops as possible created he saw no good reason why, when their duties in one diocese came to an end, they should not be employed in other dioceses rather than that new Assistant Bishops should be consecrated.

EARL GRANVILLE said, his noble Friend had no objection to that; he only objected to a suffragan officiating in one diocese while he held a commission from the Bishop of another.

THE BISHOP OF OXFORD: And why not? Suppose the Bishop of London had a suffragan; why should he not, on an emergency, cross the river to assist the Bishop of Winchester?

After some remarks from Lord STANLEY of ALDERLEY, Lord PORTMAN, and The Earl of HARROWBY,

THE EARL OF DERBY suggested that the words "from time to time" should be inserted before the words "empower them to perform." The Bishop of any diocese would thus be able if occasion required by issuing his commission to avail himself of the services of an Assistant Bishop who had originally been appointed to another diocese without giving him the authority of an Assistant Bishop in his own diocese.

EARL NELSON said, that a Bishop could not consecrate a church situated just beyond the limits of his own diocese without first obtaining a special commission from the Bishop of the diocese to enable him to do so.

Lord Stanley of Alderley

VISCOUNT HALIFAX did not understand how any difficulty could be raised in this matter, seeing that the proposed Assistant Bishops could not act in any diocese without a commission from its Bishop.

THE EARL OF ELLENBOROUGH said, there was no authority in the Church for the consecration of Assistant Bishops as such. If Bishops were consecrated, they must be consecrated with the full powers attaching to their office, and not with mutilated powers.

After further discussion, the words "from time to time" inserted.

Clause, as amended, ordered to stand part of the Bill.

Third Clause—

"It shall be lawful for Her Majesty in Her Letters Patent for the Consecration of such Assistant Bishops to direct that they shall be styled Bishops of such Places not being those from which existing Sees are named, as She may think fit."

THE EARL OF HARROWBY was understood to object to the clause.

THE BISHOP OF OXFORD hoped the noble Earl would not persevere in his objection. All those antiquarians, ecclesiastical or otherwise, who had gone deepest into the matter had always maintained that there never had been a Bishop consecrated who had not been associated with some see. He was quite aware that Bishops *in partibus infidelium* had been nominated in the Romish Church; but the Anglican Church considered that mode of appointment merely a sham, and that no Bishop ought to be consecrated without a territorial title.

THE BISHOP OF ST. DAVID'S asked, whether that provision was intended for the purpose of preserving an episcopal succession? It might suffice if the Assistant Bishop were styled the Assistant Bishop of the particular diocese, whatever that might be, in which he was to act. In the Church of Rome there were no Bishops *in partibus* for places which had not at some time previously had a Bishop, and it was supposed in that Church, by a fiction, that there had been a continued line of such Bishops.

LORD LYTTTELTON said, he did not consider the proposed clause would be any great innovation, while it would be a great convenience that such Bishop should be associated with the name of a place even without local jurisdiction.

THE EARL OF POWIS did not see the

necessity of giving the Assistant Bishops a territorial title, and pointed out that the Coadjutor Bishops of the Romish Church in Ireland had no territorial title.

THE BISHOP OF OXFORD said, that the noble Earl was mistaken in the instance of the Coadjutor Bishops.

Clause amended by the insertion of words, providing that the Assistant Bishops shall not retain the titles after the commission appointing them has ceased to operate.

Clause, as amended, added to the Bill.

Last Clause—

"Such Assistant Bishops shall take Rank and Precedence immediately above Deans, except that no Assistant Bishop shall be entitled to take Precedence of a Dean in his own Cathedral Church or Chapter, where every Dean shall continue to enjoy the Precedence and Authority to which he is now entitled,"

—agreed to, and added to the Bill.

The Report of the Amendments to be received on *Friday* next; and Bill to be printed as amended. (No. 118.)

STATUTE LAW REVISION BILL.

(The Lord Chancellor.)

(NO. 106.) SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, explained that its object was to continue the great work of revising the statute law. The first portion of the work had been superintended by his noble and learned Friend Lord Westbury, when Attorney General, and repealed all Acts which had ceased to be in force otherwise than by express repeal between 10 *Geo.* III. down to 21 & 22 of the Queen. That Act was passed in 1861, when Lord Campbell was Lord Chancellor. In 1863 a further revision was completed under the superintendence of Lord Westbury as Lord Chancellor. It was a more sweeping reform than the other, and extended from the time of Magna Charta down to the end of the Reign of James II. The Bill he (the Lord Chancellor) had introduced filled up the gap between the end of the Reign of James II. and 10 *Geo.* III., where the first revision commenced. Their Lordships would thus have, after this Bill, a complete weeding of the statutes from Magna Charta down to the 21 & 22 of the Queen. By the first of these revisions 800 statutes were repealed, by the second

1,900, and in the present Bill about the same number were struck out—in all, by these revisions 3,000 Acts were disposed of; and if on the passing of this Act a new edition of the Statutes were issued they would form but six or seven volumes, in place of the eighty-five or eighty-six which now form what was very properly described as “the Statutes at Large.” It had been thought desirable that we should have a complete Classified Index to the Statutes. Her Majesty’s Government had thought it would be most important to have this Index perfectly complete by arranging the different Statutes under different heads, not merely an index of Titles, but also a summary of Contents, and that this should be published at the end of every Session. It would, no doubt, be a work of considerable difficulty and time to form an Index such as he had indicated, but when once formed it would be easy to keep it up. He thought it would be desirable to refer the consideration of the best mode of accomplishing this work to persons of experience and judgment, and he had therefore selected Sir John Shaw Lefevre, Sir Erskine May, Mr. Thring, and Mr. Reilly to recommend the best course to be adopted. The Report which those gentlemen had made he had not been able to read very carefully; but, as far as he understood it, they believed it possible to have this Index completed by the end of the Session of 1868. He thought also that for the continuation of this Index from year to year, no one more competent or more fully qualified could be selected than Mr. Wood, the gentleman who had displayed so much judgment in the revision of the Statutes.

Moved, “That the Bill be now read 2^a.”
—(*The Lord Chancellor*.)

LORD CRANWORTH expressed his satisfaction at seeing the Bill before their Lordships, and thought that no better selection could be made than the one proposed by the noble and learned Lord on the Woolsack, inasmuch as the skill displayed by Mr. Wood in the work which he had already done was deserving of all praise.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on Friday next.

House adjourned at Seven o’clock,
to Friday next, half past
Ten o’clock

The Lord Chancellor

HOUSE OF COMMONS,

Tuesday, May 28, 1867.

MINUTES.]—SELECT COMMITTEE—*Report*—
Limited Liability Acts [No. 329].
WAYS AND MEANS—*Resolution reported*—Consolidated Fund (£14,000,000).
PUBLIC BILLS—*Resolutions reported*—Public Works, Harbours, &c. [Advances].
Ordered—Consolidated Fund (£14,000,000)*; Public Works, Harbours, &c. [Advances].
First Reading—Exchequer Bonds (£1,700,000)*; Consolidated Fund (£14,000,000)*; Public Works Loans * [172]; British White Herring Fishery * [173].
Second Reading—Metropolitan Police * [171].
Committee—Representation of the People [79] [R.P.]
Report—Limerick Harbour * [117]; Valuation of Property * [12].

The House met at Two of the clock.

DR. WARBOURG’S TINCTURE.

QUESTION.

SIR ROBERT ANSTRUTHER said, he would beg to ask the Secretary of State for War, What Reports have been received as to the efficiency in cases of fever of Dr. Warbourg’s Tincture; and whether any steps are about to be taken to secure a supply of so valuable a medicine for the use of Her Majesty’s troops serving on Foreign stations?

SIR JOHN PAKINGTON, in reply, said, there was no occasion to take any steps for securing a supply of the medicine for foreign stations, as under the present practice a supply was forwarded wherever application to that effect was made by the medical officer in charge. He was quite ready to produce the Reports which had been received if the hon. Member wished him to do so; but their general tendency was that Dr. Warbourg’s Tincture had not as good a curative effect as many other medicines less costly.

PARLIAMENTARY REFORM— REPRESENTATION OF THE PEOPLE BILL—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 27.]

Bill considered in Committee.

(In the Committee.)

Clause 35 (First Registration of Occupiers).

THE CHANCELLOR OF THE EXCHEQUER moved in line 40, after "dwelling-house," to leave out to the end of the Clause and insert—

"Or other tenement (for which the owner at the time of the passing of this Act is rated, or is liable to be rated), would be entitled to be registered as an occupier in pursuance of this Act at the first registration of Parliamentary voters to be made after the passing of this Act, if he had been rated to the poor rate for the whole of the required period, such occupier shall, notwithstanding he may not have been rated prior to the twenty-ninth day of September one thousand eight hundred and sixty-seven, as an ordinary occupier, be entitled to be registered subject to the following conditions."

SIR FRANCIS GOLDSMID said, it would be necessary to make an alteration in the words proposed to be added to the clause in order to make the language consistent with what appeared in the other clauses of the Bill. He moved to strike out the words "first registration of Parliamentary voters to be made after the passing of this Act," and insert, "first registration of Parliamentary voters to be made in 1868." The registration for the present year would have commenced before the Bill was passed.

MR. GATHORNE HARDY said, it was unnecessary to make the change proposed by the hon. Baronet. The words it was proposed should follow the original Amendment before the Committee, enacted that all the poor rates should be paid before the 20th of July, 1868. Therefore, the registration referred to did not apply to the registration of 1867.

Amendment proposed by Sir Francis Goldsmid *withdrawn*.

Original Amendment *agreed to*.

Then the following conditions were added:—

"1. That he has been duly rated as an ordinary occupier to all poor rates in respect of the premises, after the liability of the owner to be rated to the poor rate has ceased under the provisions of this Act.

"2. That he has before the twentieth day of July one thousand eight hundred and sixty-eight, paid all poor rates which have become payable from him as an ordinary occupier in respect of the premises up to the preceding fifth day of January, together with all arrears of poor rates, if any, due from the owner, before his liability to be rated ceased as hereinbefore mentioned."

MR. DENMAN said, the Committee ought not to be too hasty in inserting dates at that stage of the Bill, because the Committee might adopt the suggestion made the previous night in the course of the debate—that there should be a special

registration for the purpose of bringing the Bill into immediate operation. If they inserted the proposed date it would prevent the Bill from coming into operation until the end of 1868. It might be very inconvenient for Parliament to go on legislating next Session with its death warrant actually signed. He therefore hoped the Government would consent to the postponement of the date of the Act coming into operation.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the Committee would pause before they acceded to that suggestion. If the House chose to pass a registration Bill they could do so; but the present Bill ought to be complete in itself. The Bill of 1832 contained no precedent for the course now suggested.

MR. DENMAN said, the right hon. Gentleman seemed to misunderstand him. He did not wish to pass an incomplete Bill, but to leave the date open till the Bill was fully considered, and then insert it.

MR. ACLAND said, he thought the proposal of the Chancellor of the Exchequer reasonable. If it were thought necessary to provide for the contingencies of an early dissolution, this might be done by a separate Act.

MR. W. E. FORSTER said, it appeared to him that the suggestion thrown out by his hon. and learned Friend was in no way inconsistent with the completeness of the measure. He simply proposed that the date should be left open till the Bill approached completion. The Committee would then be in a better position to fix the time when the Bill should come into operation, so as to promote an early election should it become necessary.

MR. MONK said, he wished to call attention to the position in which the tenant would be placed by being called on to pay all rates in arrear. The arrears of the poor's rate, which might in some cases be considerable, ought to be made a personal charge on the landlord, and the tenant ought not to be saddled with their payment, although he might deduct them from his rent.

MR. GLADSTONE said, he was anxious to support what had been said by his hon. Friend the Member for Bradford (Mr. W. E. Forster). The words "which shall have been demanded" should be inserted after the words "poor rates which shall have become payable." This would bring the proviso into exact concurrence with the 3rd clause. This was a point, how-

[Committee—Clause 35.]

ever, of secondary importance. The other point relating to the question of dissolution was an important point. What he would suggest was, that they should leave out the words "20th day of July, 1868," for the purpose of inserting "the day appointed by this Act in that behalf." The Committee was not now in a condition to judge at what period this Act ought to come into operation. The practical effect of now fixing the 20th day of July, 1868, would be that the Act would not come into operation until the month of December, 1868, or January, 1869. At the time of the Reform Act it was justly and reasonably felt that there were several measures which ought, if possible, to be so conducted through Parliament as to take effect simultaneously, and likewise that the first election under that Act should come as soon as possible after the whole of these measures had been passed. Those measures were the English Reform Act, the Scotch Reform Act, the Irish Reform Act, and the Boundary Act. What happened at the time of the English Reform Act? The Act was passed on the 7th of June; the Boundary Act on the 11th of July; the Scotch Act on the 17th of July; and the Irish Act on the 7th of August. There might be other measures relating to bribery and the expenses of elections; but these stood in a different category. These four Acts were passed at convenient times—more convenient, probably, than was now practicable. But those Acts having been passed within a period of two months, the proceedings of the regular registration went forward in the regular manner, the dissolution took place in December, and the reformed Parliament met at the regular time. This was not to be expected now. It was not to be expected that the next Parliament would meet at the normal period. It might be a serious question whether the present case was so analogous to the case of the Reform Bill of 1832 as to make it desirable that the coming reformed Parliament should meet at an early period. In 1832 there was every expectation of that which was ultimately accomplished—the passing of the four Acts. Yet, so careful were the authorities of that day not to fetter the Prerogatives of the Crown with regard to dissolution, that they added to the Reform Act two sections, providing for an election taking place before the passing of the Boundary Act, and before the first registration under the Reform Act. On the present occasion eighteen

Mr. Gladstone

months must elapse before the Act could be in force. The House had effected a greater change in the borough constituency than was ever effected before. That constituency would be doubled by this Bill. The Government asked the House to disfranchise certain boroughs on the ground of corruption, and he would be slow to withhold his consent to such a proposal. But when they came to the question of the re-distribution of seats, apart from the question of corruption it might be the judgment of the House, especially after the difficulty experienced in the last Parliament with regard to the grouping of small boroughs, that some of the small boroughs should cease to return Members of Parliament. Every one would agree that it would be wrong in any way to interfere with the Prerogatives of the Crown as to dissolution on any important question which might arise. It seemed to him that the combined result of these and other considerations was, that the House was not at present in a condition to make final decision with regard to the first registration, as far as time was concerned. He must reserve to himself the right to raise any question at the close of the Committee, or on the Report, where hon. Members would be for the first time in a condition to judge what course ought to be taken with regard to preparing for the time at which this Act was to come into operation. [The CHAIRMAN: Does the right hon. Gentleman move?] Not as hostile to the Amendment; but I move that we leave out "20th July, 1868," and insert the words "the day named in this Act on that behalf."

MR. GOLDNEY said, he thought that as under the Bill payment of rates was required before a man's name could be placed on the register, it was necessary that the proposal of the Chancellor of the Exchequer should stand. If an earlier day were named persons would be unnecessarily pressed for payment of their rates. It was impossible that the Act could be brought into operation at an earlier date. No injustice would be done to any person by the adoption of the words proposed by the Chancellor of the Exchequer, which were in strict accordance with the Registration Acts.

COLONEL SYKES said, the right hon. Gentleman the Member for South Lancashire merely proposed to postpone the insertion of the date, and the Bill would not be rendered incomplete if his Amend-

ment were adopted. Circumstances might occur which would render it desirable that the proposed date should not stand.

MR. GATHORNE HARDY said, that this part of the Amendment of the Chancellor of the Exchequer had reference to the mode in which persons should pay their rates under certain circumstances. The Bill followed the course of previous Reform Bills in this respect. In the Bill introduced last year by the right hon. Gentleman opposite (Mr. Gladstone), the date inserted was "subsequent to the 10th day of June which first happens after the passing of this Act." The insertion of the date now proposed would not preclude the House from having an earlier dissolution, if that were thought desirable. The Government had looked forward to a certain definite period as the probable one to which the House would continue to sit. If the Bill were proceeded with in its present form it was quite open to hon. Gentlemen to bring in a Registration Bill. Payment of rates under the Reform Act and under this Bill should coincide.

MR. GLADSTONE said, no doubt the House might, if it saw fit, take steps for accelerating a dissolution; but this was not the question. The question had reference to the fettering of the Prerogative of the Crown. In the case of the demise of the Crown, by Constitutional usage, the business of Parliament was immediately wound up. In such a case they might be placed in a very embarrassing position if a new election were to take place, with a vast constituency declared to be entitled to the franchise, and many boroughs disabled from returning Members by an Act which at the same time had not come into operation.

MR. GATHORNE HARDY said, that any alteration might be proposed upon the Report being brought up.

MR. GLADSTONE said, he would withdraw his Amendment.

The words "and which have been demanded in the manner in this Act provided" added to the clause.

MR. LIDDELL said, he wished to call attention to the fact that the clause required not only payment of poor rates up to the 5th of January, but likewise all arrears of rates which might have been due at any time previously. This seemed to him to be likely to be converted into a gross juggle. He should like to know whether the tenant would be liable for the arrears of the landlord, or whether his

liability would be affected if the landlord were to give him notice to quit. An owner might deliberately allow arrears to accrue, and if a tenant were called upon to pay them could he recoup himself out of the rent.

MR. MONK said, he thought the point was one of considerable importance. It would be a great hardship if a man should be called upon to pay £2, £3, or £4, the arrears of his landlord, merely because he made a claim for a vote. It was true that the power of recouping was given him; but under certain circumstances this might be of very little use. He therefore moved the omission of all the words after the word "January," in order to prevent the occupier being liable for rates previous to that date.

MR. GATHORNE HARDY said, the words of the clause applied only to the Parliamentary year, which was all that the Small Tenements Act applied to. Therefore the injustice would not be so great as it had been represented.

COLONEL FRENCH said, he would suggest the introduction of the words "due by him."

SIR ROUNDELL PALMER said, he doubted whether the operation of the clause would be so restricted as the right hon. Gentleman seemed to think.

MR. AYRTON said, he would suggest the introduction of the words "for the year immediately preceding the 1st day of July." This was one of the difficulties in which the Committee were involved through not acting upon the conclusion, accepted on both sides of the House, that the compound-householder really paid the full rate.

THE CHANCELLOR OF THE EXCHEQUER said, that passing by the remarks just made, as he knew that the hon. Member had a monomania on the subject, he accepted the Amendment of the hon. Member for Gloucester (Mr. Monk), as he considered the objection well founded.

Amendment agreed to.

Clause, as amended, agreed to.

MR. POULETT SCROPE said, perhaps that was a convenient time to move the Proviso to Clause 35, with reference to rating in boroughs, of which he had given notice.

THE CHANCELLOR OF THE EXCHEQUER: I rise to order. I wish to know, Mr. Dodson, whether you think there is

[Committee—Clause 35.]

any connection between this Proviso and the clause to which it refers?

MR. POULETT SCROPE said, he thought the time for the introduction of the Proviso was most appropriate.

THE CHANCELLOR OF THE EXCHEQUER: I am anxious to give every facility to the hon. Gentleman whatever may be his opinion. The subject he wishes to bring forward is one of large interest, but we must proceed according to some rule. There is no connection between this Proviso and the 35th clause, which refers to personal registration. We cannot add a Proviso to a Clause unless it refers to some preceding matter in the clause. It seems to me to be out of order to consider the Proviso.

THE CHAIRMAN: It is for the Committee to say whether they will go on to the consideration of this Amendment or not. The Chancellor of the Exchequer having applied to me on a point of order, whether this Proviso can be moved as an Amendment to the Clause, I am bound to say that, consistently with the rule of Committee, it can. The rule is, that any Amendment relevant to the subject-matter of the Clause can be moved. This is a clause primarily relating to registration, but it is a system of registration depending upon, and intimately connected with, rating. A Proviso with respect to rating cannot be said to be irrelevant to the subject-matter of the clause.

MR. GLADSTONE: I suppose the right hon. Gentleman intended that the Clause might be reverted to at another time. [The CHANCELLOR of the EXCHEQUER assented.] If that be so I think we may consider whether the discussion on this Proviso ought to be proceeded with or postponed. I think it would be the lesser of two evils to proceed with it now. It may be taken as a new clause before the postponed clauses; there being a precedent for such a procedure.

THE CHANCELLOR OF THE EXCHEQUER said, he objected only because, taken in connection with the present Clause, the Proviso might be taken to apply only to the first registration, which was not the object of the hon. Member. He was not aware of the precedent quoted by the right hon. Gentleman for the course he had suggested.

THE CHAIRMAN said, the only precedent was that of the present Session in connection with the Mutiny Bill—a precedent which it would not be for the convenience of Committees to make permanent.

The Chancellor of the Exchequer

It would be more convenient to deal with the Proviso as an Amendment to the 35th Clause.

VISCOUNT CRANBORNE said, it appeared to him they should deal with this subject now, and conclude it before they proceeded further.

MR. POULETT SCROPE said, that when the Small Tenements Act was passed he offered for adoption a principle which he believed to be a right solution of a considerable difficulty. Last night they had effected a complete revolution in the system of rating, erased altogether the system of composition, and came back to the state of things which existed before the Small Tenements Act passed. It was always difficult to determine, in the case of occupiers of houses rated at very low figures, who should be excused and who should pay. In his capacity of magistrate the most harrowing cases connected with this subject had come before him in the shape of persons pleading their poverty as an excuse for the non-payment of their rates, as well as applications for warrants by overseers to seize the furniture of those poor people. There was a class of persons just superior to that of paupers, with regard to whom it was almost impossible to expect that they would pay poor's rate. The Sturges Bourne's Act permitted Justices, with the consent of the overseers and churchwardens, to excuse persons from the payment of rates on the ground of poverty. Such excusals had a demoralizing effect, for these poor people were forced to exhibit their poverty in an exaggerated form, and this was the first step towards seeking parish relief. In 1850, he proposed that the occupiers of tenements under £4 annual value should be excused from the payment of rates. That proposal, however, did not meet the approval of Parliament. At that time the erection of cottages was much objected to, and the man who built them was looked upon as a nuisance instead of a benefactor. Under the influence of this feeling, Parliament passed the Small Tenements Act. The preamble of that measure ran thus—

“Whereas the collection of rates from the occupiers of small tenements is difficult, expensive, and almost impracticable.”

He should have thought that the natural conclusion from such a premiss was that the class of such occupiers should be excused. If that course had been taken Parliament would have only followed the prece-

dent of the Queen's taxes. Thus the house tax was not leviable on any tenement under £20 a year, and the income tax was remitted in the case of persons whose income was less than £100. It would be very hard indeed to reconcile those exemptions with exaction of the poor rates from persons whose rent was only a shilling or two a week. The window tax and other assessed taxes had also been limited in the same way. The difference in the mode of the treatment of the poor and the wealthy classes in this respect would be exemplified by calling attention to the way in which a very large class liable to be rated to the relief of the poor escaped payment. Ten years before the passing of the Small Tenements Act it was found that that class of property called "stock-in-trade," consisting of the stock of wealthy shopkeepers, farmers, and manufacturers, was liable to be rated. Thereupon, Parliament passed in hot haste, and without discussion, an Act for exempting that enormous amount of property from its legal liability. That Act had been passed from year to year ever since. Was it just to exempt this property, and yet to rate the miserable cottage of the man who could only afford to pay a shilling or two of rent a week? He thought it discreditable to exempt stock-in-trade, funded property, and commercial capital, because it belonged to a class of persons whose influence was felt in this House, and yet to continue the liability of the poor cottager. The whole of the commercial capital of the country was exempt, and all he asked the Committee to do was to treat the poor man as fairly. By means of the screw the landlords of small tenements got all the rates from the tenant, and paid only a portion of it over to the parish. But now that Parliament was about to abolish the system of compounding, how was the practice of exemption to be carried out? In all the parishes in which compounding was in operation there would be a large class of small tenants from whom the rate would now be demanded. Hitherto they had apparently paid no rate—the rent had been fixed so as to include it—and, of course, a great many of those persons would ask to be excused. Unless they were excused the Act would become exceedingly unpopular. His proposal, then, was to exempt the very low class of tenements from rating altogether. By doing so, moreover, they would get rid of the difficulty of defining what a "house" was. The

other day it was proposed to define a house as containing at least two rooms and a certain amount of cubic space, but that would be a very bad way to get out of the difficulty. The mode he proposed would be far better. It was said that by exempting dwellings of this description they would encourage the erection of a poor class of houses. If what was meant by that was that they would encourage the erection of a class of houses for the poor, he believed his proposal would have that effect, and that it was very desirable that it should, as the poor man would then have a greater amount of accommodation placed at his disposal. The rate upon small houses was an impediment to building, for if the landlord built he had to pay under the Small Tenements Act a tax of from 10 to 20 per cent on every house. If, on the other hand, the tax came out of the occupier's pocket, he had a worse kind of house than he might otherwise obtain, because he could not afford to pay a larger sum. It was said that it would add to the burdens of the ratepayers. That was an objection of a selfish character. The additional burden would be inconsiderable. The number of rated houses in the different boroughs his proposal would cover was about 300,000. The rate made upon them, at an average of £2 10s., would only amount to a percentage of $3\frac{1}{2}$ upon the total value of the property assessed. When they took into account that of the amount assessable half was avoided by the mode in which the valuation was taken under the Small Tenements Act and other local Acts, and that of the rest a very large number was excused, it would be found that the sum actually collected at considerable risk did not exceed 2 per cent. That was a small amount of sacrifice for the ratepayers to make in return for the great boon that would be extended to their poorer neighbours. If the number of those driven to pauperism under the present system were taken into account, the burden on the ratepayers would be found to be still lighter. With regard to the effect of his proposal upon the franchise he had little to say. It must be obvious that according to the principle of the Bill those who were exempted from rating must be excluded from voting. The result of his Amendment would be that a class of unskilled labourers—numbered at about 240,000—persons generally deemed unfitted for the franchise, would be shut out,

not by "a hard and fast line" set up for the purpose of excluding them, but by way of compensation, in freeing them from an onerous local tax, which they would be glad to accept in return for a denial of the franchise. They would thus obtain a stopping place for the franchise which he, though an old Reformer, thought very desirable. He moved, as an addition to Clause 35—

"That no person, whether an owner or occupier of a dwelling-house within a Parliamentary borough, the rateable value of which shall be less than £4, be hereafter rated to the relief of the poor in respect of such dwelling-house."

MR. HIBBERT said, he should oppose the Motion of the hon. Member for Stroud, and exceedingly regretted that these attempts at limitation of the franchise should continually proceed from the Liberal side of the House. This was an attempt to limit the franchise, and it proposed to interfere with the principle of local rating. He objected to the proposal on two grounds. It would lead to the creation of a class of pauper householders fulfilling none of the duties of citizenship, and therefore not placed in the position in which the House desired to place them. It was for the advantage of the country that every man should pay a poor rate. Moreover, by relieving a large class of owners and holders of property from rates, a greater onus and burden would be thrown on the ratepaying portion of the community. The hon. Member said the effect of his Motion would be to improve the homes of the poorer classes. He feared that no such result was to be looked for, and that the entire benefit would go into the pockets of the landlords. Some years hence, possibly, advantages to the tenants might accrue. But the immediate benefits would all go to the landlord. In practice, it was one of the bad results of the working of the Small Tenements Acts that it tended to the creation of a worse class of dwellings for the working classes to live in. Persons building houses with a speculative object and finding that buildings of a certain class would fall within the provisions of the Small Tenements Act took care to erect these dwellings accordingly. A gentleman who had paid great attention to the subject of the dwellings of the labouring classes—Mr. James Hole—in his *Homes of the Working Classes*, published under the sanction of the Society of Arts, said—

"One circumstance which has tended to stamp an inferior character on cottage dwellings has

been the temptation to cottage builders to build houses not exceeding 3s. per week in value. The landlord is able to compound for the payment of the rates, provided the gross rental does not exceed £7 4s. per year (rated at 1s. 6d. off equals £6) and as the reduction for compounding is considerable (£50 per cent) there is a direct inducement to builders of cottages to construct them of a value not exceeding £7 4s. Either this exemption should be abolished altogether or the limit fixed higher, since, owing to the greatly increased cost of building, a house at £9 is now scarcely as good as one at £6 was at the time this exemption was made. Its effect therefore is to deteriorate the quality of the houses just as the cost of building increases."

If the Amendment were adopted the houses of the poor would be ten times worse. Another argument in support of this Amendment was supposed to be based on the Scotch system. But the Scotch law was merely permissive, declaring that—

"It shall be lawful for the parochial Board of any parish or combination to exempt from payment of the assessment, or any part thereof, to such an extent as may seem proper and reasonable, any persons, or class of persons, on the ground of inability to pay."

Another Act, passed in Scotland, called the Valuation Act, took £4 as the value, enacting that—

"In all cases where any lands or heritages shall be separately let at a rent not amounting to £4 per annum, and the names of the occupiers thereof shall not have been inserted in the valuation roll, the proprietor of such land and heritages shall be charged with the whole of the assessments; and every such proprietor may reimburse himself from tenants, if and in so far as such assessments may by law be properly chargeable upon such tenant."

In Scotland, moreover, the figure was a £4 rental, so that if it was proposed to assimilate the English system to it the Amendment should contemplate a £3 rating. But he objected to any line at all affecting boroughs. This £4 rating would be equal in effect to a £6 rental. Under the Bill of the Government, in the borough which he represented, 15,000 occupiers would be eligible to obtain the franchise. The Amendment of the hon. Member would strike off something like 5,000 of these at one blow. The Government had come forward with a liberal and most generous offer of household suffrage, and it was not the part of Liberal Members to weaken the effect of that proposal. The single condition of payment of rates which had been insisted on would remove the very class that the hon. Gentleman so much wished to keep off the register. As to the apprehensions excited about the relief of persons from

Mr. Poulett Scrope

the rates, thousands of persons were constantly relieved under the present system and nothing was ever heard about them. He trusted the Government would not accede to the proposal.

VISCOUNT CRANBORNE: If the desire of the hon. Gentleman who has just sat down could be carried into effect, and every person in these boroughs could be rated and have a vote, there would be some standing ground for the argument which he set up. But the actual state of the case is different. As a matter of fact, a very large number of persons must always be excused from paying their rates. You can no more get rates out of them than you can water out of a flint. The question we have to look in the face is this—how is the process of excusing persons from rates to be carried out? One of the great points that induced the House to come down to household suffrage was the hope of—to use a popular phrase—finding bottom; something to stand upon; something that everybody knew and could recognise. But in truth the bottom that you stand on at present—that, at least, you profess to have found—is as uncertain and shifting as a sandbank. The suffrage now depends upon the goodwill and pleasure of the overseer. [*Cries of “Hear!” and “No!”*] The person at present charged with the duty of deciding whether a person is or is not to be excused from the suffrage is the overseer. No doubt there is an appeal. But in the first instance the duty lies with him. The question you have to decide is, whether you think it more desirable that Parliament should fix a point at which excusal of rates shall commence, or whether that point shall be fixed in each individual borough according to the will and pleasure of the local authority. The hon. Gentleman cites his own recent experience as a proof that excusal of rates could be carried out without difficulty wherever required, and that no danger on that point need be apprehended. But he has never had any experience of what will happen if rates are excused in a borough where a large number of those excused would otherwise have had the suffrage. The excusal of rates on the part of the overseer or local authority will henceforth become a great political act. It will alter the condition of the register. It will affect the balance of parties. It will decide whether the Liberal or Conservative candidates—or whatever else may be the names of the parties then—shall be returned. This crucial Act—this power

which will decide the character of your House of Commons, which will give a tone to your legislation, you are proposing to leave to the exclusive discretion of the local authority. This is not a proposal for the restriction of the suffrage. It simply proposes—by putting the franchise on a plain and straightforward footing—that Parliament shall decide what is the point at which the excusal of rates shall commence. Another point we are bound to take into consideration is this. A considerable number of these householders are—to borrow a phrase already used in these debates—trembling on the verge between pauperism and independence. When the question comes of paying these rates, do you imagine that those men who can pay their rates this year, but who may not be able to pay them next year, will not be the first of those on the register to accept the aid of anybody who will pay their rates for them? Are you not, by forcing these men on the rates, really creating a vast market for corruption, and laying bare an enormous field for the operation of registration societies and electioneering agents? I should have been better pleased if the proposal had assumed a form in which it was impossible to cast in the teeth of its mover that it had a disfranchising operation. I should have preferred if he had fixed the limit £1 higher, and accepted the Amendment of the hon. Member for Finsbury, so that every one who chooses to pay his rates should have a vote. But there should be no room for the discretion, or, perhaps, the capricious and sometimes corrupt action of local authorities to decide who should or who should not come on the register. I cannot understand the argument that the landlord will get the benefit of the remission. You are well accustomed to the remission of taxes in this House. We have often discussed who will be benefited by these remissions. I have imagined that it was one of those axioms which no one disputed in this House that the person benefited would be the consumer. What is a landlord but a tradesman in cottages? and what is the tenant but the consumer of the cottages? Do you mean to tell me that in this one case, and this one case only, you remit a tax the benefit of which will accrue to the tradesman and not to the consumer? Before you advance so startling a paradox produce something more than mere assertion. It is a departure from all the rules on which your financial policy has been

based. We should not shut our eyes to the fact that the multiplication of dwellings is one of the great social wants and necessities of the day. Any measure which has the effect of removing what is at present a serious national disgrace, and may in a few years become a serious national danger, is not to be regarded with indifference by this House. I hope the House will not reject the Motion of the hon. Gentleman. If the principle is accepted, we can afterwards decide whether modifications removing every kind of disfranchising operation should be adopted or not. If you do pass the Motion, every fair judge will recognise that you are only acting in conformity with the principle on which your taxing system is adjusted. There can be no defence of a system of taxation which, when it touches all classes of the community, especially the richer class, stops short of a certain line, and when it touches the very poorest goes down to the very bottom. How can you defend the contrast between the law of income tax, the law of house tax, and the law of rating? You cut your line short at £100 for income tax, and at £20 for house tax, but in rating you go down to the very bottom. The usual practice of this House has been, that if we did depart from our usual financial principles, it was in favour of the poor and not of the rich. But if you maintain the system which you now have before you, you will be departing from your principle in favour of the rich and against the poor.

MR. HENLEY: Differing as I do from the noble Lord, I hope that the House will reject this Motion. I do it upon this ground. A question of this importance, if entertained by the House at all, ought not to be mixed up with this franchise question. It ought to be dealt with on separate and independent grounds. That is my first objection. My second objection is that the House has deliberately, after long consideration, determined to have no "hard and fast line." Therefore, I should be stultifying myself and acting a not very honest part if I were now to assent to a "hard and fast line," which would only have the effect of disfranchising a large number of persons. These grounds alone would be sufficient to induce me to vote against this Motion. But I vote against it also upon the broad ground that it is unjust. The principle of our law has always been that the poor man, the widow, and all those persons who were unable to pay their rates should be excused. You cannot say

that because a person happens to live in a house 5s. above or 5s. below £4 he is able or unable to pay his rates. These matters give some little trouble, but not much. Persons whom their neighbours believe to be very poor—the poor man, the widow, and the helpless—those who live on parochial relief, used to be struck off the rates with scarcely any trouble. Now and then the overseers objected, but not often. The noble Lord seems to have a poor opinion of the local authorities; but he need have no fear that they will strike people off and lose the rates from any political motive. My experience leads to no such conclusion. For anything wrong you must have a combination between the overseers and the justices of the division. The fact of the overseers or the vestries striking off those who do not pay does not exempt the overseer from the onus of collecting the rate. He is liable to the auditor for the amount of the rate, unless that striking off is brought to the notice of the magistrates of the division. They consent, after hearing any objection that may be made, to give validity to what has been done. Therefore, I cannot believe there is any risk of these corrupt practices. We are taking a step, and I rejoice in it, for going back to the old footing of our law. The poor and helpless may be excused. Those who are not poor and helpless may pay their proper share of the burden. That is the old and honest principle. The more it is looked at and discussed the more sound it will appear. There may be economical reasons for giving greater facilities for the collection of rates in large than in small towns. It is very tempting to the local authorities, but I believe it has introduced a good deal that is vicious in principle. I hoped that last night we had got rid of that respectable individual the compound-householder for ever. But he is cropping up again under different disguises. I hope the House will agree to the principle they have established, that they will have no "hard and fast line" of pauperism; that they will not degrade a man by calling him a pauper because he happens to live in a house below £5 or £6. Leave every man to weigh his own weight. If he is able to pay his rates, let him pay them; if not, let the proper authorities excuse him.

MR. GREGORY said, it might be for the convenience of the Committee if he explained the proviso of which he had given notice, in case that of the hon.

Member for Stroud were carried—namely, that the landlord should pay half the rates on all tenements under £4. The right hon. Member for Oxfordshire (Mr. Henley) objected to draw any “hard and fast line.” Were they not engaged in fixing “a hard and fast” line last night in fixing the county franchise? What were the whole of the fancy franchises but a “hard and fast line?” It was very easy to affix a nickname, but this nickname ought not to have the weight of a straw with the Committee in such a matter. His hon. Friend (Mr. Hibbert) thought it very hard that any restriction of the franchise should come from that (the Opposition) side of the House. But did any one imagine that they would have before them a Bill giving so extended a franchise as that proposed by the present measure? Were there ten men in the House, who, at the end of the last Session or at the beginning of the present, imagined that such an extended franchise as that in the Bill before them would be proposed. No one who took part in the debates of last year advocated the rights of man and the general enfranchisement of the people, or anything like it. The whole of the arguments of the most advanced Reformers, such as the hon. Members for Leeds and Bradford (Mr. Baines and Mr. W. E. Forster), took an entirely different direction. Every borough in the kingdom had a stratum of persons scarcely removed from pauperism. No one yet had said a word in favour of enfranchising that portion of the population—the most ignorant, the most dependent, and the most venal. The proposal of the hon. Member for Stroud had been objected to as tending to encourage the erection of a miserable class of houses, and as likely to bring in a pauper class of occupiers. It had also been declared unjust to relieve the lower kind of houses from taxation, and thus to increase the burdens of other occupiers. Those objections did not apply to the proviso of which he had given notice—namely, that the landlords of houses below £4 should pay half the rates. In Ireland the owners of such houses paid the whole rate, which system worked extremely well. He should have proposed its adoption had he thought the Committee prepared to accept such an innovation. He should therefore suggest that the landlord should pay half, which would be about the same amount that he was now charged under the composition.

MR. HUBBARD said, that the right

hon. Gentleman the Member for Oxfordshire had so great an antipathy to “a hard and fast line,” and to the Small Tenements Act, which he described as “the invention of Old Nick,” that he was apt to exaggerate the faults of both. He (Mr. Hubbard) supported the proposal of the hon. Member for Stroud, on the ground of its social and economical advantages, and on the ground of its political convenience. As to the first. A house rated at £4 was rented at £5, or about 2s. a week, and that sum was the utmost which the best unskilled labourer could afford to pay. Houses of less rent were occupied by persons who could not do more than support their families, and who ought therefore to be exempt from the payment of rates. The benefit of such a remission would probably at first be pretty equally divided between the landlord and the tenant. But as time went on the law of supply and demand would result in the occupier enjoying the entire benefit. Instead of inferior houses being encouraged, 2s. a week houses would in a short time rise in value 5 or 10 per cent on account of their being exonerated from the burdens now resting upon them. It is true that there would be a temptation to erect houses of greater capacity, but of inferior quality, so as to bring their rent just below the taxing line, but the labouring classes would be materially benefited. As to a “hard and fast” line, there was already such a line for Imperial, and why should there not be for local taxation? The right hon. Member for Oxfordshire seemed to regret those old patriarchal times when the overseer of the parish considered the circumstances and needs of every one of the parishioners, and if his bowels of compassion were touched by the needy circumstances of any individual, he excused him from the payment of his rates. But those times had altogether gone under the system of union rating. Individual and local supervision no longer existed as they used to do. On the grounds of social and economical advantage, therefore, there was everything to favour the Amendment before the House. On the ground of political convenience it might be said that there would be some danger of restricting the franchise by agreeing to the Amendment. But it would really extend the franchise to all those who had the education and independence to vote aright. It would only exclude those who existed among the lower depths of ignorance, venality, and poverty. It was on these

grounds that he supported the Amendment.

MR. BRIGHT : I do not know whether the hon. Member for Stroud (Mr. Poulett Scrope) intends to divide the House, but if he means to do so I should like to state the views I take of this matter. It is rather late to be discussing now any question connected with the borough franchise. In the year 1858, during the period between the Sessions of 1858 and 1859, I addressed large meetings in some of the large towns of Great Britain on this question of the franchise. It is an interesting fact which I commend to the consideration of hon. Gentlemen opposite, that the Bill of the right hon. Gentleman the Chancellor of the Exchequer—so enthusiastically supported by Gentlemen opposite—is, as regards the borough franchise, precisely that which I then recommended. On looking to the 23rd clause of my Bill, I find it does exactly what the Bill of the Chancellor of the Exchequer does. I proposed to strike out the figure 10 from the borough franchise clause in the Reform Act, and that is what this Bill proposes to do. My Bill does not include warehouses, shops, counting-houses, and so forth. But as regards the occupation of dwelling-houses it is precisely what I then proposed by my Bill. At the end of the clause it provides that those excused from the payment of rates on the ground of poverty, or who had not paid their rates on the 20th of July, should not be allowed to vote. It is likely that the Chancellor of the Exchequer—willing to learn from all quarters—had this clause before him when he prepared his Bill. On another occasion, when discussing the borough franchise it might be wise to propose, I made a proposal, with the view of meeting the susceptibilities of some gentlemen who thought that I went a little too far, and said it would be satisfactory if a line were drawn in England as is drawn in Scotland as to rating, and that the franchise should be given freely to all above that line. I am ready to say now, as I said earlier in the Session, that if a proposal of that kind were made to the House, and if the House accepted it, I should consider it a satisfactory arrangement that would have given us a just and true representation of the population of all the boroughs in the kingdom. The Chancellor of the Exchequer and hon. Gentlemen opposite have thought proper to propose a different measure, founded on a different principle,

Mr. Hubbard

which they have supported most warmly with a most powerful party combination. It would be impossible for me now to go back to restrictions which hon. Gentlemen opposite—who considered this question as a great party—evidently consider to be no longer desirable. The Chancellor of the Exchequer has proposed the extremest measure of franchise in boroughs that I ever recommended in public or in private. I think it would be most ungrateful and most unhandsome in me willingly to say anything against that proposal, or to withdraw my most cordial support from the Bill, as far as the borough franchise is concerned. This proposal of the hon. Member for Stroud is one that would restrict the franchise to some extent. I am sorry the discussion has turned upon the question on whom should the rate fall, because we are not discussing a question of rating but a question of franchise. In some boroughs the adoption of the proposal of the hon. Member for Stroud would cause a considerable limitation of the franchise proposed by the Bill. I am so satisfied with the proposal in the Bill that if I had at any time the slightest preference for these restrictions I would not now raise the question, but would accept that which hon. Gentlemen opposite and a large majority of the House agree to accept. I am quite willing to admit, as I admitted before, that a certain, or rather uncertain, number of persons of the very lowest class will be admitted to the suffrage under the present Bill, to whom the franchise will be of no advantage at present. I believe that their admission to the constituent body will not greatly improve the constituent body. That is a fact which I think every Member, whatever his political opinions may be, will be willing to admit. [“No !”] But I beg hon. Gentlemen to remember that the same thing may be said of every constituency you might form. I am quite sure that amongst the present borough constituencies—in all the boroughs at least with which I am acquainted where there have been contested elections—there are a few men troublesome to both parties, and whom both parties would wish to see in any other borough. I think, however, that an extension of the franchise so wide as this Bill proposes will have an advantageous effect on the whole class of individuals included in its provisions. It will become the interest of all persons higher in social position and better informed in politics to forward all

measures for instruction that will tend to elevate the lower class of constituencies created by this Bill. As the general effect of giving the franchise is rather to make men better than worse, I should be sorry to take any part at this stage of the proceedings that would lessen the largeness of enfranchisement which the Bill of the right hon. Gentleman proposes. Throughout the country the proposal for the borough enfranchisement is giving general—I might say universal—satisfaction. I hear, even, that the supporters of the right hon. Gentleman opposite have turned round with him, and see the question in a light entirely different from that in which it appeared to them last Session. I will not taunt hon. Gentlemen with the change they have undergone. It is one of the marvels of our time. It is one that will be of great advantage to them and to the country. If I might be allowed once more to give them a small bit of advice, I will do so. Look back to last Session. You will see that you did not endeavour carefully to examine the proposal of the right hon. Member for South Lancashire. If you had understood it then as well as you understand it now, and could have divested yourselves for a single night of party spirit, and of that submission to the Chancellor of the Exchequer which is such a remarkable quality amongst his followers, you would have agreed to the proposal of the late Government. [“No, no!” *from the Ministerial side.*] Some eminent men amongst you have said it, and I believe it to be true of most of you. If you had accepted the Bill of the late Government, what has been done now would have been done by two steps instead of one. Two steps that might have extended over twenty years. When you came to the second step, you would have found the population more intelligent and more instructed than now. I am not certain—with the Conservative sentiments which I have never concealed—that in view of the future good government of the country it might not have been better that we had taken those two steps. But following your leaders—whose object I think was to dislodge the Gentlemen now on these (the Opposition) Benches—[“No, no!” *from the Ministerial side.*]—you would not bring your own sense and intellect to consider the question, and you have been led into what I might call, but will not call, a course of party action and of faction. [“No, no!”] If hon. Gentlemen deny it, they may call it anything else they

like, but they have been led into a position that is in some degree humiliating, and all will admit extraordinary. There will be other questions before the House. I hope that in the next Session, and in future Sessions, they will refuse to take a part in reference to the questions that shall be submitted to them similar to that they took last year in regard to the measure submitted to them by the right hon. Member for South Lancashire. Do not take a similar course because your leaders want to get on the Treasury Bench, and tell you that it is a holy cause in which they are engaged. Use your own intellect. Treat the questions that hereafter may be introduced by hon. Gentlemen sitting here as we have endeavoured to treat the question which the right hon. Gentleman the Chancellor of the Exchequer has introduced to us. When we get rid of the question of party the Bill goes through the Committee night after night with the greatest ease. When the spirit of party is taken away the scale drops from our eyes—we see the question in its true light, and there is not so much difference between the two sides of the House as may be thought. I accept most heartily the generous proposal for the extension of the borough suffrage of the Chancellor of the Exchequer supported by hon. Gentlemen opposite. It will be found hereafter that they have given a great and good thing to the country. I, who probably have given more time and labour to the question than any man in the House, thank them from my heart for the conclusion at which we have been able to arrive.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member for Birmingham has favoured us with one of those speeches of incoherent conciliation which he has lately bestowed very liberally on the House. It appears that a few short months ago the hon. Gentleman was in favour of a proposal similar to that put forward by the hon. Member for Stroud this afternoon. But he says that circumstances have changed during these last few months, and his opinions have changed with circumstances. The hon. Gentleman tells us that in 1853 he proposed—where he proposed it I know not; certainly not in this House—a measure of Parliamentary Reform similar to that now under the consideration of the House—as far as the borough franchise is concerned—and that it was not very well received by this side of the House. But 1853 is a long time

ago. [An hon. MEMBER: 1858.] It is a long time since 1858. If the hon. Gentleman has found it necessary to change his opinions on this important subject in three months, I think he might have charitably presumed that hon. Gentlemen on this side of the House would change their opinions after ten years—if, indeed, he can prove that their opinions have been changed at all. [“Oh, oh!” *from the Opposition.*] Certainly, my right hon. Friend the Member for Oxfordshire, to whom, I suppose, the hon. Member principally addressed his observations, has only advocated, reiterated, and enforced in the present Session the same opinions on the borough franchise which he had before advocated in this House. Therefore, I fear that the hon. Member for Birmingham has not that privilege of originality which on all questions respecting the distribution of political power he ever arrogates to himself. The hon. Gentleman says we have changed our opinions since last year. What opinions have we changed since last year? This is a question as to the re-construction of this House. The second reading of the Bill of last year was not opposed—its principle was acknowledged. Is that the evidence of change? When you brought forward a particular plan for the re-construction of this House, we opposed it because we thought that it was imperfect in its conception, crude in its details, and uncertain in its results. At the same time, we acknowledged the necessity of Parliamentary Reform. Now that we are placed in a position in which we are called upon to enforce a policy to which we then gave our adhesion, we have brought forward a measure which is distinguished by characteristics of excellence which yours did not possess. I trust that nothing will induce the Committee to support the Motion of the hon. Member for Stroud. It is a Motion which, if adopted, will shake and disturb everything that we have settled in the preceding part of the Session. We believe—I most earnestly believe—that as far as the borough franchise is concerned—and we must remember that we are talking now of the borough franchise, and must not allow ourselves to be led away at this point to the consideration of other franchises—we have settled it on a principle which is intelligible, which is safe, which is popular, and which offers a prospect of permanence. That principle is the principle of rating. But what do you now propose? You propose that a great portion of the ratepayers

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of the country should be placed by our legislation in such a position that they cannot avail themselves of the political privilege conferred upon them on the condition that they should be rated and should perform the duties which devolve upon ratepayers. On what ground is it that the occupant of a dwelling rated at £4 is to be deprived of the privileges you are now bestowing upon the rest of his fellow-citizens? It is on the assumption that he is a man who in reality does not pay his rates. That is at the bottom of all the arguments we have heard. His rates are to be paid for him. He is a person so far in the position of a pauper that you cannot assume that he is a responsible person in the sphere of life in which he is placed. But the facts of the case are not so. The class who live in £4 houses pay their rates with more punctuality than the class who occupy houses which are rated at a higher figure. [“No, no!”] You say “No!” Let me call the attention of the Committee to one or two instances. Take Bury, for example. It is the first on the list. The total number of male occupiers under £4 is 1,162. Of these there are only 112 who are excused from the payment of rates. Take Cheltenham. There are 340 male occupiers under £4, 296 of whom are excused from payment. But if you go to the total number of male occupiers between £6 and £10 you will find that there are in Cheltenham 1,398, and that 746 of them are excused from payment of rates. Of course, I only have a Return of the places which are not under the Small Tenements Act. But the persons rated at £4 pay their rates with more punctuality than the classes who are rated at a higher figure. Here is a most remarkable case, and one which will be particularly interesting to the hon. Member for Birmingham, because it will give him more confidence in that “residuum” to which he has so often alluded. In Rochdale, the total number of male occupiers rated under £4 is 2,043; but of these only twenty-five are excused from payment of rates.

MR. BRIGHT: What the right hon. Gentleman has stated is quite true; but the rates for all the workmen’s houses in Rochdale are paid by the landlords.

THE CHANCELLOR OF THE EXCHEQUER: Rochdale is not placed under the Small Tenements Act.

MR. J. B. SMITH: No; they pay the full rates.

THE CHANCELLOR OF THE EXCHEQUER: I am extremely glad to hear it. Now, Sir, what is really the point for us? Why should the Committee, after accepting a principle upon which the borough franchise should be founded, now suddenly adopt a Motion which will shake and enfeeble that principle which the Committee have adopted by a decided majority, and in which the country places confidence? That principle will, I believe, lead to peace, security, and satisfaction. I fear that we shall be undoing much of what has been already done, and the spirit of our recent and well-considered legislation will be weakened and enfeebled if we adopt the proposal of the hon. Member for Stroud (Mr. Poulett Scrope).

Mr. GLADSTONE: I am extremely sorry that in the course of the interesting discussion on the Motion of my hon. Friend anything should have happened to drive us into a field which I, in common, I believe, with most Members of this House, have been most unwilling during the present Session to enter. Although we have had warm and sharp contests on the merit of this Bill, I think I can say, with strict and literal truth, that I never by word or by insinuation raised any question in regard to the consistency or inconsistency of Her Majesty's Government and of hon. Gentlemen opposite. For that I take no merit. I think it is obvious that by recalling past scenes and occurrences we should not have promoted, but impeded, the settlement of this question of Parliamentary Reform. I had hoped that we should have been permitted to pursue that course of abstention. But after listening to the remarks of the right hon. Gentleman [*A cry of "The Member for Birmingham!"*] I have arrived at the conclusion that it is impossible to give them that kind of confirmation which they would receive from silence. The right hon. Gentleman distinctly challenges our judgment on the consistency of the course he took this year with that he took last year. With regard to the course he has taken this year—though I think with my hon. Friend the Member for Birmingham that there are circumstances connected with the condition of the lowest classes of householders which would have made me glad to see an intermediate region established beyond which, for the present, votes should not extend—yet, looking at the Bill of the Government as a whole, I cannot hesitate to say that it confers a large, a liberal, and an equal enfranchise-

ment upon large masses of my fellow-countrymen who are perfectly qualified for a wise and honest exercise of the franchise. Therefore I will not call in the aid of the microscope to determine whether, with a stricter hand in this quarter, or in that, limitations should be applied. There has been a considerable deviation from the old and accustomed cautious and progressive legislation which has distinguished Parliament in former times. But if that be a fault, it is one which I have not the least doubt the good sense of the community and the strong social influences and invaluable traditions of this country will effectually correct or keep within limits compatible with the safety and the health of the community. But the right hon. Gentleman has raised a most needless question by calling upon us to listen to his assertion that the framework of this Bill is consistent with the acts and declarations of himself and his Colleagues on different occasions. I regret the necessity under which he places me. But my regard for historical accuracy, or, at any rate, my sense of the necessity of clearly representing this matter, induces me to endeavour to refresh the right hon. Gentleman's recollection. The right hon. Gentleman seemed to say that if last year, instead of proposing a franchise limited to occupations of £7, we had proposed to extend the franchise to all householders without distinction we should have had his support. But if, during the anxious discussions of four months, the right hon. Gentleman then held the opinions which he now tells us he held, how was it that in the midst of the controversy he never even glanced at them? The other night, when my right hon. Friend the Member for Calne (Mr. Lowe) addressed the House, he did so amid the dead silence of the party opposite. But what was the case last year when the right hon. Gentleman spoke? His remarks were greeted with cheers from at least 200 throats, which could hardly have emitted louder tones had they been formed, not of flesh, but of brass. Why was it that neither the right hon. Gentleman nor any of his Friends told us that the fault of our proposal was, not that it was too large, but that it was too small? The right hon. Gentleman thinks he escapes these difficulties by telling us that he held last year the opinions on which he has acted this year. Instead of escaping the difficulties he increases them. If he held these opinions it was his duty to

have declared them. The right hon. Gentleman says that the right hon. Member for Oxfordshire (Mr. Henley) has upon all occasions propagated and defended the doctrine of household suffrage. I listened to the speeches of the right hon. Gentleman last year, and I do not recollect that the right hon. Gentleman upon any occasion, when he actively and powerfully shared in the opposition to our Bill, stated that he would be ready to withdraw that opposition if only instead of a £7 occupation franchise we would propose household suffrage. [Mr. HENLEY: I told my constituency in 1865 that I went for household suffrage.] All I can say is that I am at a loss to reconcile the right hon. Gentleman's conduct in this House with the declaration which he says he made to his constituency. The right hon. Gentleman has been challenged by me as to his conduct in this House. I made no charge against him with regard to his promises or his declarations to his constituents. What I wish to insist upon is this. If these opinions were held respecting household suffrage, as we are now told for the first time they were, by the party opposite, they ought to have proposed it as the basis of a settlement of the question of Parliamentary Reform. But is that all? Is it only the opposition to the Bill of 1866 upon which we stand? Are there not positive declarations upon this subject from influential persons? What said the right hon. Gentleman the Chancellor of the Exchequer in discussing in 1865 the Bill of my hon. Friend the Member for Leeds (Mr. Baines)? The right hon. Gentleman said—

"I have not changed my opinion upon the subject of what is called Parliamentary Reform. All that has occurred—all that I have observed—all the results of my reflections, lead me to this more and more—that the principle upon which the constituencies of this country should be increased is one not of radical, but I would say of lateral reform—the extension of the franchise, not its degradation. Although—I do not wish in any way to deny it—we were in the most difficult position when the Parliament of 1859 met, being anxious to assist the Crown and the Parliament, by proposing some moderate measures which men on both sides might support, we did, to a certain extent, agree to some modification of the £10 franchise—yet I confess that my present opinion is opposed, as it originally was, to any course of the kind."—[3 *Hansard*, clxxviii, 1701.]

The right hon. Gentleman thus declared that his opinion had been—and after a short lapse from virtue in the summer of 1859, under peculiar circumstances, it had returned to be—that any modification of

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the £10 franchise, in the nature of a reduction of it, was inadmissible. The right hon. Gentleman says now he stands upon the principle of rating, but does not the £10 franchise? [An hon. MEMBER: No!] I see the hon. Member thinks he has a port of refuge open to him. Does not the £10 franchise stand upon the principle of rating? It stands upon the principle of rating to the same degree, certainly to no greater degree, than does the Bill of the right hon. Gentleman. What we have done now is as nearly as possible simply to reduce the £10 franchise of the Reform Bill. What we pleaded was that there should be special consideration of the case of the compound-householder. The House determined not to give that special consideration in the shape of an exceptional provision. But it has given it, and given it in the largest measure, in a measure going beyond all that I had hoped, by abolishing wholly the system of compound-householding. There are others besides the right hon. Gentleman. But who are those apostles of household suffrage that adorn the Treasury Bench? Can one be the noble Lord the Secretary of State for Foreign Affairs (Lord Stanley), who, during a discussion this year upon Reform after the resignation of office by the noble Lord opposite the Member for Stamford (Viscount Cranborne), declared in his place, and received much credit from the House for the declaration, that it was impossible for the present Government, consistently with their conduct and convictions, to be parties to any proposals for Reform more popular and democratic than those introduced by the Government last year? What was the doctrine of the right hon. Baronet the Secretary of State for India (Sir Stafford Northcote), who this year has enlarged much upon the subject of consistency? ["Question!"] If the hon. Member who cries "Question" had made the same cry when the right hon. Gentleman the Chancellor of the Exchequer was speaking, I should not have the smallest disposition to contend with him. As it is, I beg his indulgence for two minutes longer. The Secretary of State for India has entered upon this subject with that frankness and ingenuousness which becomes him. He was charged with having last year declared against the lowering of the franchise. He says—

"I did, and, instead of pleading guilty to inconsistency, I claim the highest credit for consistency. I decline to sit in the white sheet.

This is not a Bill which lowers the franchise. We refuse to lower the franchise. We take in certain selected persons, it is true, those virtuous and almost angelic ratepayers who may happen, by their misfortune, to be under the £10 line; but this is not to be called lowering the franchise."

That was the declaration made by the right hon. Baronet during the present discussions. Does this Bill lower the franchise now? What else does it do but lower the franchise from the limit fixed by the Act of 1832? The great change effected by this Bill, as has been stated by the hon. Member for Birmingham, is that it strikes £10 out of the clause of that Act, and removes altogether the pecuniary limit. It is quite true, it is within our recollection that the Chancellor of the Exchequer, when seeking to re-assure the more jealous mind of the noble Lord the Member for Stamford, did himself declare in this House that Her Majesty's Government never would propose household suffrage pure and simple. Perhaps the present Bill is quite consistent with that declaration. ["Yes!"] I shall be very happy to hear the right hon. Baronet, who is so great on consistency, upon that point. All I can say is this. I do not debate whether or not it is household suffrage pure and simple. But it is a Bill that satisfies the most ardent aspirations of those who have had household suffrage pure and simple before them many years. I willingly and very gladly leave this subject, into a partial notice of which I have been provoked, I think I may say driven, by the declaration of the right hon. Gentleman. I would say a few words upon the Motion of my hon. Friend the Member for Stroud (Mr. Poulett Scrope). I think the degree of favour with which the proposals to establish a line for the borough franchise were received in the early part of the Session may have very naturally led my hon. Friend to make the suggestion he has made. When I consider that this suggestion embraces questions of great economical interest, while it is also available for a political purpose, and further that my hon. Friend is one of the highest authorities in this House or out of it, in our generation, on the whole of this class of questions, I cannot feel surprise or regret that he should have submitted his proposal to the House. At the same time, I think my hon. Friend would do nothing to promote the adoption of his own economical views, by leading us to the issue of a division, on the proposal he has made. The right hon. Gentleman the

Chancellor of the Exchequer is not quite accurate in his impression with respect to the number of persons that are likely to come upon the register at the point indicated by my hon. Friend. I ventured last night to say that none of us were aware of the extent to which the practice of the payment of rates by landlords in this country is carried. The right hon. Gentleman fell into a trap from being totally unaware of it in the case of the town to which he referred. This is a subject of so much importance, and it illustrates so well the Motion of my hon. Friend, that I will venture to place in juxtaposition with that case, another case, and to point out to the Committee the immense difference that arises, according as the rate is by voluntary arrangement paid by the landlord, or collected from the occupier. In Rochdale the whole rate is collected from the landlord. The number of persons excused is so small that they may almost be put out of view. That is because the rates are collected by the parish from the landlord. It is not the compound rate, but it is the full rate that is paid. My hon. Friend the Member for Stockport (Mr. J. B. Smith) told us the other night how very well the system of the collection of rates worked in Stockport. He congratulates himself upon the great addition that will be made to his constituency if the Bill passes. Let me direct the attention of the right hon. Gentleman to these cases, and the contrast between the case of Stockport and that of Rochdale, both being inhabited by populations of nearly the same class. In Stockport there are 2,798 burgesses and 1,391 electors. That is to say, there are 1,407 more burgesses than electors. All these 1,407 we may take to be under the line of £10. The number which will come on the Parliamentary roll will be somewhat greater than that. What proportion does that number bear to the gross number of occupiers under £10? [Mr. J. B. SMITH: What year?] Exactly as it stands in the blue book. The Return is for 1865-6. It is curious to observe the number of male occupiers under £10. The total number of male occupiers in Stockport is 8,952. The number at and over £10 is 1,695. Therefore the number under £10 is 7,257. These the hon. Member (Mr. J. B. Smith) considers a normal example of the principle of ratepaying. The number of burgesses is only 1,400, or about one-fifth. Hon. Gentlemen cannot but be struck by the interesting contrast between this case and

the case of Rochdale. This is due in the main, if not altogether, to the fact that voluntary arrangements are made in Rochdale for the payment of rates by the landlord, while in Stockport the rates are collected from the occupiers individually. In some cases my hon. Friend the Member for Stroud (Mr. Poulett Scrope) would disfranchise a considerable number of persons. In other cases I do not think that the number he disfranchises would be large. His plan would have considerable incidental advantages. But I am clear that my hon. Friend (Mr. Bright) arrives at a wise conclusion when he says that there is no sufficient case for disputing the plan offered by the Government, or for raising this issue at so advanced a stage of the Bill, considering how fully the Government plan involves the attainment of most of the substantial objects for which we on this side of the House have contended.

MR. J. B. SMITH said, that when the right hon. Gentleman (Mr. Gladstone) referred to the small number of burgesses in Stockport he must remember the operation of the three years' residence restriction, and how very much the burgess roll had been affected by the cotton famine. Thousands were disfranchised because they were unable to pay their rates. He was informed that in his borough, where every person paid his full rates, if this Motion were carried, one-sixth of the rates would be sacrificed. He would not stop to ask into whose pockets this money would go. But clearly the parishes could not do without these rates, and if one-sixth were struck off, somebody else must pay. In Stockport 93 per cent of the full rate was collected at an expense of 3 per cent. Such a state of things was very encouraging. One of the great advantages of paying the full rate in this way was that it became the interest of a large class of persons to see that the system was well managed. He hoped that the Committee would not assent to the Motion.

MR. POULETT SCROPE said, he was aware that his Motion had been brought forward too late. If it had been proposed a month or two ago he should have obtained greater support than the Committee was now disposed to give it. Under these circumstances, he should not press the Motion.

Motion, by leave, *withdrawn*.

MR. GREGORY said, he would withdraw his Amendment on Mr. Scrope's
Mr. Gladstone

Motion "that the landlord shall pay half rates on all tenements under £4." The theory of hon. Gentlemen opposite now seemed to be that the Constitution of the country could be best maintained by making its foundations to rest not on wealth, character, and education, but on poverty, venality, and ignorance. Their theory might be a sound one, but if so history had been written in vain.

Clause *agreed to*.

Clauses 36 to 43, inclusive, *postponed*.

Clause 5 (Educational Franchises for Voters in Counties and Boroughs).

MR. POWELL said, he proposed to omit the words "or a male person who," in the 43rd line, as superfluous.

LORD JOHN MANNERS said, it was necessary to retain these words, having regard to the Amendment proposed on a former occasion by the hon. Member for Westminster (Mr. Stuart Mill), and rejected by the House.

SIR ROUNDELL PALMER said, that if the view of the noble Lord were correct they had already given the franchise to women under the 3rd clause. He hoped the words would be retained.

VISCOUNT AMBERLEY said, that he thought the Amendment was perfectly right. If they took the clause with the rest of the Bill, they would see that the Chancellor of the Exchequer, with his liberal notions, had intended to confer the franchise upon all householders, irrespective of sex.

MR. DENMAN said, that the Chancellor of the Exchequer would best consult his own interest by omitting the words "male person." He voted for the Amendment of the hon. Member for Westminster (Mr. Stuart Mill), but still believed that the Bill as it stood gave the female suffrage. There was nothing in the Bill to prevent the operation of the 13 & 14 *Vict*.

THE CHANCELLOR OF THE EXCHEQUER said, he did not rise to express an opinion upon the female suffrage—though that was a question upon which he might express an opinion without being accused of changing his views. He thought that the words "male person" were entirely unnecessary, as they were covered by the preceding nominative. With regard to the point to which the hon. and learned Gentleman (Mr. Denman) had referred, an hon. and learned Friend of his had wished to to combat it, but owing to professional

engagements he had never been able to be present in the House when the matter arose.

The words "male person who," *struck out*.

MR. POWELL said, he had had communication to-day with a gentleman who was intimately acquainted with what were called "middle-class examinations," and who held that such a designation was not satisfactory. In that opinion he entirely agreed. He therefore proposed to omit from page 3, line 1, the words "senior middle-class examinations or" and to insert instead the words "local examinations for senior students not members of the Universities held by." He thought that the wishes of the Government to enfranchise such candidates would be met by the Amendment he proposed.

MR. WHITE said, that in the borough which he represented great interest was felt in the substitution of the word "local" for "middle-class," which latter term was held to be objectionable. His (Mr. White's) constituents objected to the term "middle-class" and wished for the words "local examination," as used by the delegates of Oxford and the syndics of Cambridge. Brighton was full of educational establishments, and the heads of those establishments objected to the words "middle-class" as applied to their pupils. He had therefore put an Amendment on the Paper. As the proposal of the hon. Gentleman was more full and precise, he begged to withdraw his own Amendment in favour of that of the hon. Member.

MR. BOUVERIE said, that the hon. and learned Member for Richmond (Sir Roundell Palmer) was about to take the opinion of the Committee on the whole clause. Many hon. Gentlemen thought it desirable to give votes to members of the bar, attorneys, medical men, and others who had a recognised position, which could be ascertained on referring to the registers of the bodies to which they belonged. All those who were of that opinion, however, would not say that travelling Masters or Bachelors of Arts from the Universities should be permitted to go about the country, examine persons, and give them the right to vote. It was a totally new thing in our Constitution to delegate the power of conferring a vote upon somebody of whom the House knew nothing, and upon conditions of which they were equally ignorant. Was there a Member of the House who knew

the requirements of a senior or middle-class examination, whichever it might be called? Were they to allow members of Universities to go around the country, examine boys at private schools, and give them a certificate conferring a vote for the rest of their lives? Such a proposal seemed to him so unlike any hitherto made on Constitutional grounds, that if the Committee would support him, he would take a division on the subject.

MR. BERESFORD HOPE said, that the right hon. Gentleman was not the first who had taken exception to the proposal for giving the franchise to those who passed these local examinations. He thought the notion so undesirable that he had already protested against this particular franchise, at the risk of being a little irregular, on the second reading of the Bill. It was true that at one time he had advocated some fancy franchise, but it was in view of the old restricted suffrage, and as supplementary to it—now everything was changed. They had already travelled a good deal beyond household suffrage, for they had a lodger suffrage too. If this provision passed likewise they would be nine-tenths on the way to manhood suffrage. They had taken some securities in the case of the householder and the lodger. The householder must pay his rates, and both householder and lodger must have resided for a certain time. But what security had they with respect to the description of voter whom it was proposed by this clause to enfranchise? That person need not pay either rates nor rent. He might be the most noted frequenter of the neighbouring police-court. But, having once obtained a certificate he had a vote for life, and for any part of England, provided he was not in a prison or a lunatic asylum. He might live in Middlesex till he had made it too hot to hold him and then move on to Yorkshire; but wherever he pleased to dwell the noble savage went forth with the brand of the voter upon his forehead. This, forsooth, was called a Conservative safeguard. A little judicious cramming under a judicious crammer, three months training, and three days answering questions, would enfranchise the middle-class examination voters in every borough and every county, irrespective of any local attachment or any property qualification. He opposed this particular proposition as injurious to the whole body politic, but he also opposed it in particular, as dangerous and degrading

[Committee—Clause 5.]

to the Universities, and to their own legitimate constituencies. Nothing would bring the Universities so low, or imperil so much their legitimate privileges of voting in their own constituencies and of returning their own distinctive Members, as making use of them as catspaws for so mischievous an extension of the franchise, as giving votes all over England to those examiners.

MR. ACLAND said, that he would oppose this clause altogether. He had seen with perfect astonishment the Government introduce it, but he supposed it had been done to give satisfaction to somebody. There was no such thing as "middle-class" examinations. Though there were various names for the same thing, that name had never been accepted. Unless they were prepared to go into the question raised by the hon. Member for Hull (Mr. Clay) last year, and constitute an educational franchise generally, it would be preposterous to give to boys for life who had just left school and were without local connection the right of voting.

MR. FAWCETT said, that whereas a man might become a barrister by eating so many dinners and keeping so many terms, certificates at local examinations could only be obtained by satisfying examiners who were among the most distinguished scholars and leading men at the Universities. The examinations were conducted with the utmost fairness. They were no more likely to be tampered with than the regular University examinations. The hon. Member for Stoke-upon-Trent (Mr. Beresford Hope), who had spoken of the noble savage bearing the brand of enfranchisement, should remember that he himself as a voter for his University bore the same brand. This clause would enfranchise many young men of intelligence who would not easily gain a vote in any other way. He would therefore entreat the Chancellor of the Exchequer to adhere to it. The right hon. Gentleman was winning more and more the hearty gratitude of the Radicals. He began to perceive more plainly every day that proposals of disfranchisement came from that (the Opposition) side of the House. They would be carried were it not for the courage of the Chancellor of the Exchequer, who had managed this Bill with a manliness which had won him his lasting gratitude.

SIR ROUNDELL PALMER said, he found himself in this position, that the details of the clause, to which he was op-

posed altogether, were now being criticized. It seemed to him that no part of the clause deserved the support of the Committee. He had given notice of proposing its rejection altogether. The reasons which influenced him in taking that course would, he thought, considering the altered circumstances of the case, have some weight with the Government. These fancy franchises were first introduced into the Bill proposed by Lord Aberdeen in 1854. But that Bill did not propose, as did the present, to grant household suffrage, qualified only by rating, and to superadd the enfranchisement of lodgers. It was therefore natural that some supplementary franchises should at that time be thought of. Again, the Bill of 1859 did not propose to lower the borough franchise. Fancy franchises were naturally introduced into those measures as supplementing a limited degree of enfranchisement, and they naturally found a place in this Bill as originally framed, since it contained the dual vote and did not include lodgers. The objects, however, which they were designed to answer were now clearly at an end, for they would enfranchise very few persons who would not be qualified either as householders or lodgers. Now they had got rid of the dual vote and established a lodger franchise the motives for this franchise no longer existed. It was therefore very undesirable to introduce a new point of departure from the general principles of the Bill. If the Government attached so great a value to a rating franchise, why divorce from that one public duty, which they had been setting up for the purpose of the franchise, one privileged and exceptional class? But they also gave up the principle of the real local connection, the principle on which the borough and county franchise had hitherto rested, and on which it would rest if these classes were omitted. For what conceivable reason on earth should a man have a vote for a county because he happened to be an attorney or a barrister? There was no principle whatever in the proposal, but there might be considerable future danger. What was the principle of selection? Were they educational franchises, official franchises, or what were they? If these franchises were educational they would be logically bound to extend them, so as ultimately to enfranchise every man well educated for his station. The development of this principle would lead to manhood suffrage in embryo, because he hoped the time was not far dis-

Mr. Beresford Hope

tant when every person in the kingdom would be able to read, write, and cipher, the qualifications proposed last year by the Bill of the hon. Member for Hull (Mr. Clay). If the principle were let in at all, it would lead to every man well educated for his station having a vote, and the seed once sown would certainly in time bear fruit. Why privileged professions should give a vote he could not understand. Their position in society would make them either householders or lodgers. Why should the House give them, over and above that, political superiority over their fellow-countrymen? If it was to be put upon superiority of intellect or established character, why should it not be given also, as one hon. Member suggested, to the officers of the army, navy, and Volunteers? Why not, as he would say, to artists, to authors, or to members of learned societies, to civil engineers? Why not put barrister's clerks, as well as barristers, on the electoral roll? Why not put on law stationers, and the members of many of the more intellectual trades—opticians, mathematical instrument makers, booksellers, and the like? He need not go through the catalogue. It was plain that if they were in this way to put certain classes on to the electoral roll, on the ground of their personal qualifications, they would not be able long to shut the door against others who might think themselves equally qualified. Then look at the way in which this was to be done. Every instance showed that they were stumbling among rocks without knowing what they were about. It was proposed to give a vote to the graduates and Masters of Arts in all the Universities in the kingdom. He did not know how his right hon. Friend the Member for Oxford (Mr. Cardwell), or his hon. and learned Friend the Member for Cambridge (Mr. Powell), would like that. Did not the House see that they would thus swamp the constituencies in these towns by the resident graduates of the Universities? And why should they? They had each their own separate representation, and they were very well represented. The Scotch Universities, if the Scotch Reform Bill passed, would also have their own Members. So, under this Bill, would the University of London. What conceivable reason could there be for conferring a dual vote on the graduates of the Universities? They would, in giving votes to those who passed the Oxford and Cambridge local examinations, do even

worse than this. They would mix up the good and useful endeavours in which the Universities were engaged for the extension of education with the means of manufacturing votes, depreciating the value of the good they were doing by mixing it up with that for which it was never intended. He came to another point. The vote was to be conferred on ministers of religion. By this clause priests and deacons of the Church of England were elevated on a pedestal not only above other electors, but above all other ministers of religion. It was proposed that all priests and deacons might vote in any county or borough where they were resident. One hon. Gentleman proposed that the same privilege should be extended to Roman Catholic priests and deacons. But the ministers of other denominations were only allowed to vote if they had a spiritual charge, and, in their case, it was limited to one assistant with the principal minister. The clause thus contained a graduated scale of partiality in favour of the clergy of the Church of England, who were to be admitted on better and easier terms than the ministers of other persuasions. He thought he had said enough about serjeants-at-law or barristers. He could not see why they should be treated better than others. Then it was proposed to admit medical practitioners and certificated school masters. Why should the Committee of Council be converted into a machinery for the creation of voters instead of attending to the proper business of extending education? Why, as one Notice on the Paper inquired, should medical practitioners vote, and pharmaceutical chemists not vote? He would not now go into the next clause. They had already practically admitted all these classes. He thought he had given good and sound reasons why the whole of this clause should be omitted, and he would conclude with this one word. They were not providing for a want. By the household franchise and the lodger franchise they had opened the suffrage to all who desired to have a vote, but by introducing this new principle they would unsettle the settlement, and open a new door to agitation.

Mr. J. GOLDSMID said, that as household suffrage had been conferred on every household, and the lodger franchise on every lodger, this clause was wholly needless, and more, it was pernicious in character. Why should he, a barrister, be

admitted to have a vote in the county of Lancashire, whilst a veterinary surgeon, who passed an examination that neither he nor many others would have passed, was refused the vote. The clause had been drawn most crudely. He was in favour of household suffrage, but not of any suffrage which did not rest on a sound principle, whether that of personal rating or any other. Why should an ordained priest or deacon be enfranchised for the City of London? What interest had he in the City of London? Again, they knew that every gentleman who passed a degree of M.A. was qualified to vote in his own University. He (Mr. Goldsmid) was qualified to vote in the University of London, but why should he have a second vote. The proposal conferred duality of voting on education.

Mr. HENLEY said, that the more he thought and the more he heard of this clause the more he was of opinion that its disadvantages exceeded its advantages. Any possible gain that might accrue to a few persons would be far overbalanced by the inconveniences arising out of the introduction of a new principle into the constitution. If this clause passed, it would not shut the door against the claims of those who fell short of the line drawn, and it would thus lay the ground for future agitation. His great object in supporting the Bill was to take away the trade of parties who lived on agitation—to cut the ground from under their feet, and to prevent them from going on. But if they admitted these personal qualifications they would give a handle for agitators to take up on some future day. The great advantage of this Bill, which it was now sure would be passed, would be to stop agitation. But if this principle were agreed to, he feared it would prove a kind of seed which would grow rapidly and develop itself to an extent which they could at present hardly conceive. He would therefore be unable to support the clause, and he would be very glad if the Government did not press it.

THE CHANCELLOR OF THE EXCHEQUER: The Committee will remember that when this clause was introduced the lodger franchise did not form a portion of the Bill. By its introduction much of the ground that we originally intended to cover has naturally been included. What we have before us is part of the original Bill. The Government, therefore, will not trouble the Committee to give any ex-

Mr. J. Goldsmid

pression of opinion upon this particular clause.

Mr. WYLD said, that every liberal proposal of the Government was opposed from his (the Opposition) side of the House. Whatever might be the fate of this clause he honoured the right hon. Gentleman for having been the first to recognise the principle that intellect and education were superior to the mere ability to pay for a lodging.

Mr. POWELL said, he would withdraw his Amendment.

Clause *negatived*.

Clause 6 (Pecuniary Franchises for Voters in Counties and Boroughs).

SIR ROUNDELL PALMER said, the same objections applied to this clause. He hoped the Chancellor of the Exchequer proposed also to omit it.

THE CHANCELLOR OF THE EXCHEQUER: I think this clause depends on entirely different principles from the former. The savings banks' clause has often been under the consideration of Parliament, and is a clause so venerable, that we ought not to deal with it cursorily. It is a clause which the right hon. Gentleman the Member for South Lancashire has always sanctioned, and it has been included, I believe, in every Reform Bill for some years past. The same observation applies to the deposit of £50 in the funds. It also has been under the consideration of Parliament. With regard to the qualification conferred by the payment of direct taxation, I should suggest a modification of that clause, resting the qualification solely on the payment of income tax.

SIR ROUNDELL PALMER said, he moved that the clause be struck out. After what had fallen from the right hon. Member for Oxfordshire (Mr. Henley), he thought they were entitled to consider that this clause involved the same principle, and ought to share the same fate with the last. It was manifest that this enfranchisement depending on the possession of personal property was a departure from the principles they had laid down, and would tend at no remote period to disturb the settlement. How arbitrary also was the selection of this description of property. The first was the possession of £50 in the savings bank. It was true that this was proposed in the Bill of last year. But the Bill of last year did not give household suffrage. The House had now done that which made it quite unnecessary that they

should go on with lateral franchises. These, when first proposed, were only intended to answer a supplementary purpose. When he had proposed to give a vote to persons having a shop in a borough it was refused, though it might contain much more than £50. The shopkeeper was excluded unless he also had a house. The possession of £50 in savings banks was, perhaps, the lowest description of possession of personal property. It was generally held by persons who were, no doubt, most respectable in their stations, but who were generally in a dependent position. For the second franchise they selected the possession of £50 in the public funds. The 30s. fundholder was to be put on the same level in a county, as the 40s. freeholder; though from copyholders and householders a qualification of much higher value was required. He supposed that to hold money in the public funds was held to constitute the discharge of a public duty, which was not the case with the holders of £50 in joint-stock banks, Indian stock, and other classes of investments, as these were not to give a vote. But was any man so blind as not to see that this would lead to the demand of every man who had £50 in any shape to possess a vote? He now came to the third point—the payment of direct taxes. This was quite different from rating as a basis for the franchise. The principle of rating was permanent, it marked the discharge of a public duty, and there was no reason to expect the time would ever come when local burdens would be dispensed with. But if they married the franchise to the payment of taxes then it would happen that every reduction of the public burdens might disfranchise whole classes of the community. The right hon. Gentleman intimated that he intended to confine his proposal to the income tax, but the income tax was one which it was always hoped the House would one day get rid of. Nothing could be more contrary to sound policy than this system of marrying the franchise to the income tax, as it would increase the difficulties of its removal. Why should payment of income tax be of more political value, than payment of other taxes? Or, if all direct taxation were to give a vote, is it possible to doubt, that the claims of those who pay as much or more by indirect taxation would soon have to be considered. What these fancy franchises were wanted for at first was the dual vote. But the dual vote was gone. He agreed with the

right hon. Member for Oxfordshire in opposing this attempt to disturb the final, permanent, and liberal settlement proposed by the Bill.

MR. CRAWFORD said, he wished to ask what machinery the right hon. Gentleman proposed, whereby an owner of £50 stock might make his claim? What proof would a revising barrister in Cornwall require? Would the Bank of England have to send their books all over the country? or would they have to keep an extra staff of clerks for the purpose of making affidavits to be sent all over the country?

THE CHANCELLOR OF THE EXCHEQUER: In answer to the technical inquiry which has just been addressed to me by the hon. Gentleman the Member for the City of London and Deputy Governor of the Bank, as to the machinery by which we propose to carry this franchise into effect, I would refer him to the schedule of the Bill, and at the same time express to him my sense that from the kindness and obliging character of the Governor and Company of the Bank of England, of which my official life has given me experience, they will find no difficulty in carrying it into effect. With regard to the clause itself, I wish to state generally the view we take of it. I have been very much struck by the expressions of the hon. Members for Brighton and Bodmin (Mr. Fawcett and Mr. Wyld), and I am obliged to them for having done justice to the feelings of the Government. I wish it to be understood that if I do not insist on this clause, it is chiefly in deference to the influence in this House of the reactionary party. I admit, however, that in coming to that conclusion I am influenced also by two other considerations. The first is that this is the first day we have had experience of the new system of conducting morning sittings, and we naturally wished to test its efficiency. It is not yet seven o'clock, and we have done a great deal. It appears to me that the experiment has been eminently successful. With the assistance of the House for a few minutes more, our success must not only be distinguished but triumphant. I discover that if Her Majesty's Government, in deference to the reactionary party in the House, do not press the 6th clause, we then come to the 7th clause respecting the dual vote, which I have already given up, not in deference to the reactionary party, but in deference to a distinguished Member of the Conservative party. If the Com-

mittee will do me the honour to refer to the Bill, they will find that the first part of the Reform Bill will then have gone through Committee. Under these circumstances, I will not give the Committee the trouble to divide.

Clauses 6 and 7 negatived.

Clause 8 (Disfranchisement of certain Boroughs).

MR. SANDFORD moved that the Chairman report progress. He said he had risen when the Chairman was putting the Question on Clause 7 for the purpose of calling attention to the fact that the Government were abandoning provisions which, in the first instance, they had put forward as safeguards. He objected to business being gone through by mumbling across the table. The Bill, as it now stood, had the character of "disgusting monotony" which the right hon. Member for Oxford University (Mr. Gathorne Hardy) attributed to the measure of last year.

MR. AYRTON said, he wished to ask the Chairman of the Committee whether he had put the Question that Clause 7 stand part of the Bill, and had declared that it had been negatived.

THE CHAIRMAN said, the Question was distinctly put by him. He read out the number of the clause, and the marginal note, and he put the Question that the clause stand part of the Bill. There was not a single "Aye," but some very loud "Noes."

SIR EDMUND LECHMERE said, that when the Question was put the hon. Member (Mr. Sandford) rose to address the Committee. Not seeing him the Chairman went on to negative the clause.

MR. SANDFORD said, it was exceedingly disagreeable that these differences should be perpetually arising. The other evening a clause was altered in consequence of the muttering across the table, not a syllable of which reached hon. Members below the gangway. He intended to have expressed certain opinions on the subject, and have put certain questions to Her Majesty's Government with reference to it. He should not have allowed the clause referring to the compound-householders to have been settled and got rid of without taking the opinion of the House upon it. On the present occasion, when the Question was put that Clause 7 should stand part of the Bill, he rose to address the Committee; but notwithstanding the Chairman's desire to be fair and courteous, he did not hear or

see him (Mr. Sandford) at the moment he rose to put the Question, and the clause was negatived. He wished to have put several questions to Her Majesty's Government with reference to the present Bill and the Bill of last Session, relative to the course that was pursued with regard to the latter. When the Reform Bill was introduced they were given to understand by the right hon. Member for the University of Oxford that it was founded within the four walls of the Resolutions. Those Resolutions provided some compensation for the extended suffrage which had been conceded. He wished to know now where those compensations were? It was extremely difficult to proceed with the Bill at that hour (quarter to seven o'clock). Knowing that several hon. Members wished to take part in the discussion, he moved that the Chairman report Progress.

House resumed.

Committee report Progress; to sit again upon *Thursday*.

PUBLIC WORKS, HARBOURS, &c. [ADVANCES] BILL.

Resolution reported;

"That it is expedient to authorise the Commissioners of Her Majesty's Treasury to make further Advances or Loans, out of the Consolidated Fund of the United Kingdom, to an amount not exceeding three hundred thousand pounds per annum for three years, for carrying on Public Works and Fisheries, and the employment of the Poor; and to an amount not exceeding three hundred thousand pounds for the purposes of the Public Works (Manufacturing Districts) Acts, 1863 and 1864."

*Resolution agreed to:—*Bill ordered to be brought in by Mr. DODSON, Mr. CHANCELLOR of the EXCHEQUER, and Mr. HUNT.

Bill presented, and read the first time. [Bill 172.]

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes
after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, May 29, 1867.

MINUTES.]—SELECT COMMITTEE—On Limerick Harbour (Composition of Debt) *nominated.*

*Report—*Public Accounts (No. 333).

PUBLIC BILLS—*Second Reading—*Uniformity Act Amendment [63]; Attorneys, &c., Certificate Duty [53], debate resumed, and further adjourned.

*Third Reading—*Local Government Supplemental (No 2)* [167], and passed.

The Chancellor of the Exchequer

RAILWAY COMPANIES — PRE-PREFERENCE SHARES — GREAT NORTH OF SCOTLAND RAILWAY BILL.

CONSIDERATION.

Order for Consideration read.

MR. DODSON said, that he desired to call the attention of the House to the peculiar provisions which were contained in this Private Bill. Although the Bill was unopposed, he thought it his duty as Chairman of the Committee on Private Bills to draw the attention of the House to the subject. The position of the Company was this. It had incurred an amount of expenditure, in round numbers, of £2,926,000, and it had, besides, liabilities to the amount of £168,000. The amount of share capital raised was £1,930,000, in round numbers, and the loan capital was £760,000. Therefore, there was a deficiency of over £400,000. The Company had still power to issue £378,000 additional preference shares, but in consequence of the state of the money-market it had been found impracticable to do so. The Company had further power to raise money by loan not yet exercised in round numbers of £75,000. The proposition of this Bill was to cancel the power to issue the £378,000 unissued preference shares, and to take power to issue instead £330,000 "pre-preference" shares. Now the House would observe that so far as the original shareholders of the Company were concerned, their position was quite unaffected by the proposition of the Bill—if anything it was improved—because in lieu of being liable to have £378,000 more preference shares issued over them, they were only liable to have £330,000 pre-preference shares issued over them. It was therefore simply a matter affecting the existing preference shareholders of the Company. Now the present preference shareholders of the Company who would be affected by the issue of this pre-preference stock amounted in number to 1,060, of whom 991 had given their consent to the issue of the pre-preference stock, considering it the best thing for the Company. These 991 who had consented held £1,033,000 of the existing preference stock out of £1,131,000. He should say of the existing preference stockholders who had not given their consent in writing, a large portion remained silent in expressing their opinion as to the proposed issue of pre-preference stock. Considering the

peculiar nature of the Bill, he had hesitated whether he should not exercise the discretion which the Chairman of Ways and Means possessed by the rules of the House of recommending that this Bill, although unopposed, should be dealt with as though it were an opposed Bill, and that it should be referred to a Committee to be appointed by the Committee of Selection. But, after all, they could not compel people to come forward and oppose the Bill if they did not desire to do so; and therefore he felt that no object would be gained by adopting that course. He had therefore determined that, upon the whole, the Bill should be dealt with as unopposed, and accordingly it had passed through Committee as unopposed, and a Report in its favour had been made to the House; though he felt it his duty to call attention to the peculiar circumstances of it. He would only add that this creation of pre-preference shares, when there was a large number of existing shareholders consenting, was not without precedent. He found that in 1852 the Eastern Union Railway introduced into this House a Bill, which was passed, giving the Company power to convert their debt into creditors' stock, and to pay their creditors with the stock to be issued, which would take preference over all preference and other stock. This arrangement had been previously agreed upon by a meeting of four-fifths of the shareholders. And more than this, the Company had power to create after this creditors' stock, which was to take precedence of every other stock, a further sum of £77,000 pre-preference stock to follow immediately after the creditors' stock. Again, in 1855, the Manchester, Sheffield, and Lincolnshire Railway Company obtained power to create pre-preference shares to pay arrears of dividends on preference shares. In 1853 the Edinburgh, Perth, and Dundee Railway Company obtained powers to issue debentures in excess of their authorized borrowing powers in order to raise money to pay their creditors, to put their line in efficient order, and to pay their banker's debt; and it would be seen that in that case the creation of debentures was equally putting a charge over the heads of the preference shareholders, which, according to the ordinary Act of Parliament, they had no right to do. In 1851 the Caledonian Railway Company obtained powers from this House to issue excess of debentures beyond that authorized, for the pur-

pose of paying their debts, the Company being at that time in a state of great embarrassment. But the course then adopted had the result of bringing the affairs of that company round, and it was now in a prosperous condition. He had only to add that of the debts at present owing by this company, £235,000, in round numbers, were due to their bankers; and these bankers had agreed, in the event of this scheme being sanctioned by Parliament, to grant five years for the payment of the principal, to reduce the rate of interest now paid them, and to themselves subscribe a considerable sum to the new issue. Under these circumstances the Bill had been allowed to go as unopposed, though he admitted the peculiarities of the case, and had therefore drawn the attention of the House to the subject.

MR. HADFIELD said, that although in the particular instance the question seemed to be merely between different classes of preference shareholders, the principle involved, which was that of interfering with and postponing the rights of creditors by retrospective legislation, was of the highest importance, especially as by the rules of the House of Commons, shareholders could not be heard before Committees, and were therefore at the mercy of the Directors. In the House of Lords the practice was different, as there the creditors could be heard. He altogether condemned the practice adopted by Railway Directors of increasing their capital in a manner over which the shareholders had no control. He should take an early opportunity of moving for a Committee to inquire into the system.

MR. BOUVERIE concurred in opinion that it was necessary, as a matter of public policy, that the question should be brought before the House. Each case must stand more or less on its own distinct merits, and it was only a sensible and rational course to pursue to allow insolvent railways to escape from their difficulties, if any proper means could be found of doing so. In this case 95 per cent of the persons interested had given their assent to the proposed arrangement, and the House, he thought, could not do better than endorse the request. The Chairman of Ways and Means had acted rightly in bringing the matter under the attention of the House.

MR. SAMUDA hoped the hon. Member for Sheffield (Mr. Hadfield) would persist in his Motion. Matters had now reached a point at which railway companies no

longer thought it necessary to respect the rights of mortgagees, forgetting that all attempts to defeat or postpone them involved a breach of faith with the public.

COLONEL WILSON PATTEN said, the subject was one of great importance, for there could be no doubt that if this principle of creating pre-preference stock were largely sanctioned, it must destroy public confidence, and obstruct the carrying out of many useful undertakings. At the same time, having acquainted himself with the circumstances of the particular case, he thought the House would be justified in acceding to the proposition. His hon. Friend the Chairman of Committees devoted his attention so continuously and impartially to all these subjects, that he was sure the House would generally exercise a sound discretion in giving full weight to his recommendations. He thought, however, the House would do well to take the whole subject into consideration in the manner proposed by the hon. Member for Sheffield.

Motion agreed to.

Bill, as amended, *considered*; to be read the third time.

UNIFORMITY ACT AMENDMENT BILL.

(*Mr. Fawcett, Mr. Bouverie.*)

[BILL 68.] SECOND READING.

Order for Second Reading read.

MR. FAWCETT, in moving that the Bill be now read the second time, said, that although the measure was important it was simple and explicit, for it was confined to repealing the clause in an old Act of Parliament, which rendered it necessary for every Fellow of a College to make a declaration of conformity to the Church of England; and it was permissive only, because it would have no effect unless the majority of the Fellows of a College agreed to elect a Dissenter to a fellowship. He did not say that the Bill was asked for by the majority of Colleges; but he believed there were one or two Colleges at Cambridge prepared to admit Dissenters; but their decision would not necessarily exercise any influence on the other Colleges; the experiment would, therefore, be gradually and temperately tried, and if it proved unsuccessful it would not be repeated. The measure, again, was asked for not by Nonconformists beyond the University, but by a large body of Fellows of Colleges, composed of men the most opposed in

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politics, and having amongst them some of the ablest and most distinguished members of the Universities. The Bill was introduced because during the last few years Dissenters and adherents to other religions, although they had taken the most distinguished degrees at the University, could not be elected to Fellowships. Those who did not belong to the Church of England would never be satisfied until they had some chance of participating in the splendid endowments belonging to the Universities. It was not just or right that after a young man had pursued a successful University career and had obtained the highest honours, he should have this old Act of Parliament thrust in his face, and be told that he could not make the University his home, and that an inferior man must be elected in his place because 200 years ago it was provided that no one should be a Fellow of a College who was not a member of the Church of England. He hoped that Liberals and Non-conformists would not be satisfied with the comparatively worthless compromise, which would allow Dissenters to take degrees but would not give them an opportunity of enjoying the highest honours and greatest rewards of the Universities. It was true that the majority in the Universities were against his proposal; but there were a considerable number in its favour; and all that was sought by this Bill was that if any College thought it to the educational advantage of the College to retain amongst them a student who had obtained high honours, but was not a member of the Church of England, they should have the opportunity of doing so. Perhaps it would be urged that those who shared his opinions would not be satisfied with so moderate and temperate a measure as this, and that what they desired was to weaken the connection between the Universities and the Church. He never concealed his views, and he frankly declared that he did wish to make our Universities great national institutions, and to throw open their advantages to all our countrymen. If he was asked why under those circumstances he advocated such a measure as this, his reply was, that he desired to deal tenderly and gently with the prejudices of his opponents; but if they resisted this Bill, he and those who thought with him would be compelled to recommend a wider measure, which would bring about what they sought to obtain in a wider and more direct way. At present, however, he was willing to be

satisfied with this permissive and moderate Bill. It was sometimes asked, Why did not those who were not members of the Church of England establish colleges of their own? For his own part, he could conceive nothing more mischievous than the establishment of a sectarian University. Were hon. Members so enamoured of the bitterness and rancour that sectarian differences had produced, that they wished to see them perpetuated by compelling the youth of this country who had different religious opinions to lead a separate life? He was convinced that if those who entertained different religious opinions lived more together, they would learn to pursue a different course from that which had hitherto been adopted, and we should be spared the spectacle of so much of the Christian energy of the nation wasted and so many minds blighted by miserable disputes upon barren questions of controversy; and no one would be in the position to repeat the sarcastic observation of the heathen philosopher, who, witnessing the persecutions which had disgraced the world, said, "See how these Christians love one another." Apart from this, there was the consideration of cost. At a moderate estimate the property of Oxford and Cambridge amounted to about £20,000,000. Where was anything like that sum to be raised to found and endow a Dissenting University? But even if the money could be raised to build the Colleges, there were some things which it could not supply. There was inseparably connected with our existing Universities no inconsiderable portion of the intellectual history of the country, and you could not purchase the memories of the past. In these days it was desirable to bring as many men as possible under the influence of these institutions, which were day by day becoming more liberal, in which young men learned that the only way to honour, emolument, and position was moral worth and the achievement of intellectual distinction, and in which men could separate themselves from the material struggles of the world, and learn that the one thing most to be cherished in life was truth, and the thing most to be protected was freedom. The more they brought the youth of the country under these institutions, the more they would do to secure the permanent glory of this country; because, as a great writer had said—

"Then you will educate minds who will be able to carry on a victorious struggle against some of

the debilitating influences of the age, and will be able to strengthen the weak side of our modern civilization by the support of high and cultivated intellect."

He should think that he was shamefully failing in his duty if he did not do what little lay in his power to give to the greatest possible number of his countrymen the same opportunity that he had himself possessed of enjoying these priceless advantages. Already the endowments of the Universities had conferred immense benefits upon the country, and if this measure was passed he believed that they would produce still greater advantages to all the highest and truest interests of the nation. The hon. Gentleman concluded by moving the second reading of the Bill.

MR. MORRISON said, he rose with pleasure to second the Motion, thinking it desirable that the proposal should be seconded by an Oxford man. It appeared to him that great confusion existed in the minds of hon. Members as to the scope of the Bills dealing with the Universities of Oxford, Cambridge, and Dublin, which were before the House; but when they were taunted with attempting piecemeal legislation, and were told that this was a subject which could only be dealt with by the Government, their opponents should remember that private Members could deal with the subject only by divided proposals. If it was argued that these endowments belonged to the Church of England, and that to pass this Bill would be to adopt a measure of confiscation, his reply would be that they belonged originally to the Roman Catholic Church, and that the consequences of the Reformation which took away authority over matters of faith in the English Church from the Pope and conferred it on the Sovereign was to draw a wider and broader line of demarcation between the past and the present than did any line of demarcation which divided the Church of England of the present day from any of the Dissenting denominations by which it was surrounded, or even from the Church of Rome. Surely, if it was right and just in the time of Henry VIII. to transfer the endowments of the Universities to the Church of England, it was right now for Parliament to carry out the principle to its logical sequence in the manner now proposed. He could see no argument against the right of the State to alter the application of any endowment which, in consequence either of the change of circumstances or of the mal-administration of

trustees, had been perverted from the spirit of the founder's will and intention. This was no mere question of mercenary considerations. The measure introduced by the hon. and learned Member for Exeter (Mr. Coleridge) would enable Dissenters to obtain the degree of M.A. That of itself was rather a barren privilege, and this Bill carried the process somewhat further. At the Universities the rewards given for intellectual industry and capacity varied so much in honour and emolument that the sons of the richest and noblest in the land were to be found contending with men who by industry and self-denial were raising themselves from the ranks of the very poor. During the last thirty years there had grown up among the Nonconformists a class of men who in point of wealth, talent, and position were capable of taking their place abreast of the members of the Church of England, and it seemed to him that, in the advance we were making now-a-days towards democracy, it was a most Conservative step to attract the youth of the country who possessed great talents and did not belong to the Church to the Universities by opening to them their endowments. We had struggled against the introduction of sectarian education into Ireland, and how could we consistently maintain sectarian University education in this country? It was said that this change was not asked for by the Universities themselves; but the fact was that the Bill was originally introduced in consequence of a petition presented by the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), signed by seventy-four tutors and professors of the University of Cambridge, and the question had ever since been warmly debated in both Universities. The petition against the Bill presented by the hon. and learned Gentleman the Member for the University of Cambridge (Mr. Selwyn), was signed by only thirteen heads of houses, twelve professors, and thirty-seven tutors, which made a total of only sixty-two names against the seventy-four who signed the petition presented in favour of the Bill some years ago. [MR. SELWYN: It is utterly wrong.] It was not, however, to be expected that the demand for a reform of this kind would come from the Universities themselves. It was not the Church which produced the Reformation, or the House of Commons which carried the Reform Bill of 1832. Although he had no great hope that this

Bill would be passed in the present year, he felt convinced that this was one of the questions that would not be allowed to incumber the Notice Paper of a reformed Parliament for even a couple of Sessions ; and it would be a graceful thing for a Parliament which was nearly expiring to give this measure of justice to those who formed about one-half of the population of England.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Fawcett.*)

MR. SELWYN, in moving that the Bill be read a second time that day six months, said, that any one might imagine from the speeches which had been made that the question before the House was whether persons who did not conform to the doctrines and discipline of the Church of England were to be entitled to the educational benefits which the Universities afforded. It seemed to have been forgotten that persons of every religious creed were freely and fully admitted to every such advantage, to every scholarship, to every degree—to everything except the governing body of the Colleges and Universities. The House should distinguish between form and substance. The matter of form might be discarded at once, for the offer had repeatedly been made to put Oxford on the same footing as Cambridge with respect to the abolition of tests and the admission to the M.A. degree. But the substance lay in the restriction which was sought to be removed by this Bill ; and nothing could be further from the truth than that it was by accident this restriction remained. The real question was whether the Colleges—not the Universities—founded by individuals, deriving nothing from the State, and which from their foundation and in their very names were connected with the Church of England, were now by Act of Parliament to be severed from it. The question was not whether Nonconformists were to be admitted to be educated at the Colleges ; but whether persons of any or of no religion were to be admitted to endowments and into the government of institutions intended exclusively for members of the Church of England. He did not argue the question as one affecting merely the Church of England ; it was one on which all the friends of religious education had the same interest. The question was not a new one ; it had been deliberately considered by a Commission which had the con-

fidence of Parliament and of the country ; and that Commission reported that many of these endowments were so inseparably connected with the Church of England that it would be the height of injustice to attempt to separate them from it. Nor could it be said that this subject had been overlooked by the Legislature. The Report of the Commission was followed by the Oxford Act of 1854, the Cambridge Act of 1856, and provisions in subsequent statutes—all most carefully considered ; and all the intentions of Parliament as expressed in these measures had been carried out liberally and in a fair spirit by the two Universities. Any Nonconformist could send his son to a University, where all the scholarships were open to him, and at Cambridge he might take both the B.A. and M.A. degrees—the only thing refused was membership of the governing body ; and by what right could that be claimed ? No doubt, as the hon. Member for Plymouth (Mr. Morrison) had said, if it could be shown that these endowments had been maladministered, Parliament would not only have the right, but would be under an obligation to interfere. But what pretence was there for such an assertion in the present instance ? The Colleges had opened their gates in no grudging spirit to the admission of Dissenters, who might avail themselves of their educational advantages, and it could hardly be said to be a grievance that they were denied the privilege of being members of the governing bodies. In respect to what the hon. Member had said concerning the views of the members of the Universities on the subject, it was undoubtedly true that in 1864 a petition was presented, signed by seventy-four persons, praying for relief in accordance with the principle of this Bill ; but it was not correct to say that they were resident Fellows. On the contrary, only forty of those who signed it were resident, and of that number several had since changed their minds, and had joined in the contrary petition which he had presented that morning, and which was signed by 174 residents. To the petition in favour of a change the names of none of the Heads of Colleges were attached, while thirteen out of the whole number of seventeen appeared in the petition against this measure, in addition to all the proctors and pro-proctors. The petition of 1862 was signed by only seven of the tutors and fourteen assistant tutors and lecturers ; whereas the names of forty-six gentlemen

actually engaged in tuition in the Colleges appeared on the present petition, besides the names of twenty-six other officers of the Colleges and the University. There could be little doubt, then, which way the feeling of the majority inclined. The petition of 1862 had never been repeated. He admitted that there was a small, noisy, restless minority in favour of the Bill; but an overwhelming majority of residents were against it. As to non-residents, he had some means of knowing the feelings of the legal profession, and he was ready to meet the right hon. Member for Kilmarnock (Mr. Bouverie), in Lincoln's Inn Hall, and there put the question to the vote. His constituents also included many of the most eminent of the medical profession, and he would be equally satisfied to take their opinions; while the present scheme was certainly viewed with no favour by the country gentlemen of England, whose opinions, it would be admitted, were entitled to consideration. Parents generally, he believed, would prefer to send their sons to an institution where distinctive religious principles were taught and maintained. Upon the injustice of such a measure there was an opinion of Lord Brougham, which had before been quoted in these debates, but never refuted, and which was expressed in these terms—

“He was a decided advocate for the claims of Dissenters, and when the power of obtaining degrees was given to them they had received all they had a right to ask. These colleges were founded for members of the Established Church, and those who were not members had no more right to claim to participate in the advantages which belonged to the Church than any member of the Church of England had a right to share the endowments founded at Highbury, Maynooth, or Stonyhurst, or any other Dissenting College.”

In the case of the endowed schools, Parliament, while providing for the admission of the children of Dissenters, had refused to interfere with the constitution of the governing bodies. The argument in favour of this Bill that many of the endowments of the Colleges dated from a period prior to the Reformation would apply equally to all the endowments of the Church of England, and to many private estates, and might be adduced in favour of their transfer to the Church of Rome. But even if such an argument could be listened to, it would not apply to the Colleges which had been founded since the Reformation, or to the great aggregation of endowments which had been given to the Colleges since the Reformation, and had been so given

Mr. Selwyn

simply because they were places of religious education in connection with the Established Church. Even the Dissenters themselves had been obliged to follow, with regard to their own educational establishments, a similar principle to that adopted by the Colleges at Oxford and Cambridge. Dr. Priestly and Robert Hall, two distinguished Nonconformist divines, had distinctly borne testimony to the necessity of providing for religious unity in the governing body of educational institutions. The former describes the celebrated academy at Northampton as a place where—

“The students were about equally divided upon every question of much importance, such as liberty and necessity, the sleep of the soul, and all the articles of theological orthodoxy and heresy,”

in consequence of which all these topics were the subjects of continual discussion. The result of such a state of things is well described by Robert Hall—

“Thus a spirit of indifference to all religious principles was generated in the first instance, which naturally paved the way for the prompt reception of doctrines indulgent to the corruption, and flattering to the pride of a depraved and fallen nature. To affirm that Mr. Toller sustained no injury from being exposed at so tender an age to this vortex of unsanctified speculation and debate would be affirming too much.”

The experience of America, of Ireland, and of the London University led to the same results. Indeed, the Dissenters had endeavoured to obviate the difficulty by requiring in their trust deeds the very same species of religious tests to which the Universities had resorted. The Colleges had done nothing but what every other religious body had done; and he did not see on what principle they could be deprived of the safeguards which had been provided or adopted by their founders; and therefore he appealed to hon. Gentlemen opposite to extend to the Church of England the same protection which they required for their own institutions, because if the change now proposed were brought about, a similar proposal would doubtless be made at some future time with regard to Dissenting establishments. He would ask the House further to consider the particular consequences which would ensue from the application of this measure to such institutions as Colleges, many of which were very small bodies, and every one of which might be converted into a vortex of speculation and discussion, in which the majority would have to decide how far

they ought to depart from the will of the founder with respect to the character of the governing body. The hon. Member for Brighton (Mr. Fawcett) had remarked that this was only a permissive Bill; but he (Mr. Selwyn) maintained that, if a case of mal-administration under the existing system were made out, a compulsory and not a permissive measure ought to have been introduced, whether the members of the Colleges desired such a measure or not. The hon. Member also said that the Bill could do no harm. But, in his (Mr. Selwyn's) opinion, it would have a most injurious effect, inasmuch as it would always be open to the majority to carry it into effect, or for a minority to create and maintain an agitation in an institution where repose was so essential to the discharge of the duties of education. The experience of the House with regard to permissive Bills ought to convince them that such an argument did not possess any weight. Then, as to the alleged grievances, he contended there was nothing substantial in them. Every Nonconformist who entered a College knew perfectly well that although he might obtain distinction in the examinations, and even hold scholarships, he was not qualified to become a Fellow. They had obtained the liberty of founding private hostels at Cambridge, and the London University had been founded for their especial benefit. What grievance therefore could they complain of? The Bill proceeded upon the assumption that Fellowships were merely prizes; whereas, in fact, nothing could be more foreign to their character. A Fellow was a person who undertook most important duties in respect to the management and discipline of his College, and the conduct of education. If a proposal were made to take so much a year from the revenues of the Colleges for the purpose of founding annuities to reward Dissenters of great merit, the injustice of such a proposal would be obvious. But the injustice which would be perpetrated by this Bill would be still greater. In the Colleges there were many offices which depended upon seniority—the office of Dean, for example—and if this Bill became law that office (which included the superintendence of religious worship and discipline in the Colleges) might devolve upon a Roman Catholic, or a Jew, or an infidel. But it was said that it was a great injury to the Colleges themselves that they should be deprived of the power of electing distinguished Nonconformists into their teach-

ing and governing body. If, however, that was considered a grievance, how did it happen that not a single College had ever petitioned for its removal? He might remark that the Colleges were at liberty to appoint distinguished Nonconformists as lecturers in the Colleges; and that, in point of fact, they had, in some instances, exercised that power. Again, the office of private tutor, one of the most lucrative and important employments in the Universities, were altogether unfettered by religious tests. For the reasons he had stated, he asked those hon. Members, who were friends of religious education, whatever creed they might profess, to extend to the Colleges and Universities the same measure of justice which they would desire to have meted out to their own endowments and institutions. He asked them to look upon this as a question as to the preservation of all that was essential for maintaining the basis of religious teaching, and he hoped therefore that they would reject this Bill as being at once uncalled for, dangerous, and unjust. In conclusion, he moved that the Bill be read a second time this day six months.

Mr. GORST, in seconding the Amendment, said, he gave the hon. Member for Brighton (Mr. Fawcett) full credit for a desire to improve the education given at the Universities; but he thought that measures of this description, which were introduced from time to time, did not tend to increase the efficiency of education. He deprecated a perpetual chronic agitation on this question as having a most injurious effect. The Universities of this country were not so much intended as schools of philosophy and theology, as educational bodies constituted for the purpose of training young men for the liberal professions, and especially for the profession of holy orders. After the reforms introduced by the late Commission it might have been expected that the Universities would have been let alone, for a time at all events, in order that it might be seen how far the new system was a satisfactory one. But, instead of that, ever since the agitation of these questions commenced, hardly a Session had passed without Bills being brought in relating to Oxford, to Cambridge, or to both. Now he maintained that in the interests of the Universities themselves, it would be wise to abstain from legislation on subjects of this nature until it was ascertained whether the reforms already introduced had produced satisfactory re-

sults. In reply to the argument that this was a permissive Bill, he would ask why the House did not wait until the Universities petitioned for power to make the changes which they might consider desirable. But the object of introducing permissive Bills was to lead the way to compulsory legislation. He did not believe it would be for the interests of the Colleges to admit Dissenters into the governing body. That was the only place from which they were excluded. He did not look on a Fellowship in the light of a prize; but regarded it as a trust which a Dissenter could not conscientiously discharge, and from which therefore it was no hardship to exclude him. They might as well ask to have a Nonconformist divine made a Bishop as to have a Dissenter elected to a Fellowship, the duties of which he could not conscientiously discharge. He protested against the House constituting itself a judge of what was good for the University and controlling the opinions and decisions of the members of the Universities. Surely it was only fair to pay some little attention to the wishes of the Colleges themselves in reference to this matter. The governing bodies were composed of persons who had devoted their whole time to the promotion of the welfare of their Colleges, and the House ought therefore to pay some deference to their opinions. The experience of almost the whole world was against the proposition now before the House. He might mention that though the University of Sydney was non-sectarian, yet the Colleges connected with it were strictly sectarian, and it was found there by experience that the young men were best taught and trained by teachers of the same religious denominations to which they respectively belonged. In conclusion, he appealed to the House to pause in its judgment; and to leave the settlement of this and similar questions to the Universities themselves, where they were so much better understood.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Charles Selwyn.*)

MR. POLLARD-URQUHART, as an old Cambridge man, could not allow some of the statements that had been made to pass unnoticed. He denied that the Nonconformists now had, as was said, all the advantages they could desire from an University education. A large number of the

most distinguished students at the Universities went there with the purpose and hope of obtaining Fellowships; and parents often sent their children to the Universities when they could ill afford the outlay, if it were not that they hoped to recoup themselves by the Fellowships which those children might ultimately obtain. The question was, whether our Nonconformist fellow-countrymen were to be excluded from all participation in those hopes and advantages which were thus held out? It was not the case that Fellows were expected to superintend the education of the College; and believing that the evils predicted would not result from this Bill, he should give it his cordial support.

SIR WILLIAM HEATHCOTE said, it was impossible to consider this subject apart from the Bill of the hon. and learned Member for Exeter (Mr. Coleridge), as there was an intimate connection between the two Bills, the one naturally leading up to the other. He should have been glad to take his stand against the Bill of his hon. and learned Friend, which dealt only with the governing power of the University, rather than against a measure which involved pecuniary considerations, and opposition to which therefore wore an invidious appearance. But he felt bound to oppose the present proposal as one calculated to unsettle great institutions for a comparatively small object. It was a small object, because the number of men to be benefited by the Bill would be small. "If this be so," he might be asked, "what danger do you apprehend?" But the principle remained the same; indeed, the only practical justification for such a Bill would be that the hardship pressed upon a great number of persons. This case was sometimes argued upon the loss which the Colleges sustained by the exclusion of eminent men from Fellowships, and sometimes upon the individual hardship which that rule occasioned. Now, seeing the great number of competitors for Fellowships, it was hard to imagine that the permanent injury to the Colleges could be very great. And if it were put upon the other ground—the right of individual Nonconformists to Fellowships—on what pretext could this claim be justified? It should be borne in mind that they were now dealing, not with the question of education itself, nor with the power of the body which gave that education, but with the right to participate in certain endowments which existed in our Universities. What was the right

Mr. Gorst

which the Protestant Dissenter had to participate in them? He could understand the argument with respect to Roman Catholic claims, though that could be answered without much difficulty; but he could not understand the ground upon which the claim of the Protestant Dissenter was based. With regard to Roman Catholics, however, the present Bill was silent; it did not propose to deal with their exclusion at all, but left that, he presumed, to be settled by future Acts of Parliament. It was, at least, worth consideration, if a change were determined upon, whether it would not be better worth while to adopt the form of confiscation to a certain extent, and apply some of the revenues of the existing Colleges to Colleges for Nonconformists, rather than run the risk of those evils which had been portrayed with so much force by the hon. and learned Member for the University of Cambridge (Mr. Selwyn). The experience of men who had thought much on the subject had led them to that conclusion, and, though they were men of great eminence, connected with the Universities, they would rather surrender a portion of their possessions for the sake of endowing other Colleges than run the risk of the evils which would ensue if this Bill were passed. He did not think it was desirable, when a parent sent his son for education to one of the Universities—an institution in the possession of the Church of England—that he should be left in doubt as to whether at the end of the year the place might not be entirely changed, not by the authority of Imperial law, but by the narrow majority of a small society. The present Bill supplemented in a dangerous manner that of the hon. and learned Member for Exeter; but it was strange that while it sought to open the doors in one direction it continued exclusion in another. On what principle could they propose the admission of Protestant Dissenters, and at the same time because you disliked them theologically to exclude Roman Catholics?

MR. FAWCETT: May I ask the hon. Gentleman how Roman Catholics are excluded by this Bill, as he says they are?

SIR WILLIAM HEATHCOTE said, that by 21 & 22 *Vict.*, altering the form of the oath of supremacy, that oath would remain to be taken; and it was one which, though it would not exclude Protestant Dissenters, would exclude Roman Catholics; and this Bill did not propose to remove that exclusion.

MR. FAWCETT: I believe that the Bill, if passed, will place Roman Catholics in the same position as Protestant Dissenters. If that is not so, I will alter the Bill, in Committee.

SIR WILLIAM HEATHCOTE said, in that case his argument so far would fall to the ground. But, at any rate, it was impossible to contend that any antecedent claim to these University endowments existed in the case of Dissenters. If Parliament legislated at all upon this question, it must do so as a matter of policy, and decide that the exclusive possession of these endowments for Church purposes should cease. In his opinion the Bill would not tend to peace within the University; it would have the effect of completely altering the whole tone of the University, and he hoped that the House would not assent to it.

MR. SERJEANT GASELEE, as a member of the Established Church and of the University of Oxford, gave his cordial assent to the Bill before the House. The hon. and learned Member for the University of Cambridge (Mr. Selwyn) had more respect for the University tutors and Heads of Colleges than he (Mr. Serjeant Gaselee) had if he supposed that they were the only men who were competent to judge of what was for the good of the Universities. The hon. Member for Cambridge (Mr. Gorst) asked, why not leave the Universities to reform themselves; but did he ever know of any body of men willing to perform that operation? Would this House have reformed itself if left to itself? Why, if the Members who represented the Universities in this House dared even to look a Liberal vote they were bundled out directly. Most distinguished men on both sides, ornaments to both Universities, had been served in that way, as was shown recently in the case of the right hon. Member for South Lancashire (Mr. Gladstone), directly they became too Liberal. It was urged upon them that they should not pass this Bill, because no Head of a College had petitioned in its favour; but, for his own part, he considered that an argument in its favour, rather than against it. He did not expect to find that enlightenment among the Heads of Colleges that he looked for among those men who had mixed more with the world. The hon. Member for Cambridge (Mr. Gorst) had called a Fellowship a "trust"—he supposed because a vote was called a "trust" now-a-days. He had always understood that a trust

was all labour and no profit, whereas a Fellowship was all profit and no labour. Nobody regarded it as a trust; but if it were indeed one it was certainly a very pleasant form of trust, ranging as it did generally from £200 to £400 and £500 a year. He had a nephew who had a Fellowship of £200 a year, who would be much surprised to be told that his Fellowship was a trust—a trust, in part, for his uncle. Did distinguished lawyers who, holding a Fellowship, continued the pursuit of their profession, take this view of their position? He always thought that Fellowships were offices of profit—the reward of industry, diligence, good conduct, and learning. The fact was that hon. Gentlemen opposite supposed that the Universities were mere nurseries for the education of clergymen, instead of being places for the advancement of education with property which might be applied for that object as Parliament saw fit. At one moment you heard it said, “Why, you will swamp the Universities with Dissenters.” On the other hand, the hon. Baronet the Member for the University (Sir William Heathcote) said that few Dissenters would be admitted; though he still argued the question as one of life and death to the University. In supporting this Bill he wished to do an act of justice. When two men had been companions in the lecture-room and competitors for prizes, medals, and scholarships, he would not shut out one of them from that which was the just reward of his diligence. As to the cry, “the Church in danger,” the Church had more to fear from injudicious friends who were always raising this cry than from its most bitter enemies. The discussion on this subject had been worn threadbare, but he hoped that the House would show by a large majority that they had advanced in the view they took of it.

Mr. GLADSTONE: I hope I shall not appear ungrateful to my hon. and learned Friend (Mr. Serjeant Gaselee) after the kind mention he has been pleased to make of me, nor insensible to the merits of his able address, if I avow at once my inability to take the advice he has given me and vote for the second reading of the Bill. I am anxious to be permitted to state the grounds upon which I shall proceed, because I am not in complete sympathy either with those against whom I shall vote, or with those along with whom I shall vote on this occasion. I entirely concur in the argument of my hon. Friend

Mr. Serjeant Gaselee

who has just sat down, and in the argument which has formed the basis of the speeches of my hon. and learned Friend the Member for Exeter (Mr. Coleridge) when he says that both justice to the Dissenters and likewise the true and well understood interests of the Universities and Colleges themselves require that there should be legislation on this subject. I am convinced that the attempt to maintain the present state of things is not desirable in their interests any more than it is compatible with a fair regard to the claims of those who are without the communion of the Church. And I am also of opinion—an opinion at which my hon. Friend the Member for the University of Oxford (Sir William Heathcote) glanced in his speech—that there is something peculiarly invidious in the position of those who are ready to legislate for the Universities and to throw open the Universities without distinction of religious communion, but who then take their stand at the portals of the College, or at least at the governing bodies of the Colleges, and entirely refuse to Dissenters a participation in their higher emoluments. It is all very well to raise the doctrine that duties are attached to Fellowships, and no doubt in many of them they are so attached; but it is, perhaps, not straining the theory, but undoubtedly very greatly straining the practice, for my hon. and learned Friend the Member for the University of Cambridge (Mr. Selwyn) to assert the general proposition that these Fellowships, as at present administered and enjoyed, ought not to be regarded in any degree as rewards, supplying to those who gain them an introduction to life. [Mr. SELWYN dissented.] Very well then, if that is not so I am very glad. He admits that they ought to be so regarded in some degree; but still he contends that the idea of a trust and the discharge of duties attaches to them in a much greater degree than I think is really the case. Certainly at Oxford, in a very large measure, and at Cambridge, so far as I can understand the state of things there, in a measure still larger, the attainment of a Fellowship is the crown of an University career. An University career is not complete in itself, in its honours, in its substantial rewards, if the attainment of a Fellowship is entirely denied to those who differ from the Church of England. Having said so much, and having also stated that it is highly desirable that there should be legislation which

shall affect both the Universities and the Colleges, I may be giving utterance to an opinion which probably will not be popular on either side of the House when I say, that in my judgment, no satisfactory settlement of the question can be arrived at except by the influence of that moderation of temper and that desire to abate extreme claims by which so many difficult subjects—subjects apparently defying settlement—have been brought to a satisfactory conclusion. There are two points on which I agree with my hon. Friend the Member for Cambridge. One is his opinion that the education of the clergy in the English Universities forms a distinctive and important element in this case. That is a matter which cannot possibly be excluded from consideration. I grant that we might say, if it were thought politic and fit, to the clergy, “Do as the Dissenters do—provide yourselves with private seminaries where you shall receive your clerical education.” But I want to know whether that is the general judgment and desire of this House. By no means. I believe that on both sides alike any movement on the part of the clergy, or on those who direct and influence the clergy, which would tend to remove young men in a great degree from contact with the great minds of the country during the plastic period of youth, would be regarded with the greatest disapprobation. If that be so, then comes the question whether the clergy are to be educated wholly without consideration to any particular form of religious faith. There may be some in the community who look forward to the halcyon days when in every building called a church, every gentleman called a clergyman may deliver weekly from the pulpit to whoever may choose to hear, whatever doctrines he may choose to teach them, knowing no law but his own will, and leaving it pretty much to accident what might be the effect upon what some may think his fortunate, but what I consider to be his unfortunate parishioners. I trust that the Church of England as it has been will continue to be, in matters of opinion a tolerant and a liberal Church; but that tolerance and liberality within her own borders must have their limits. The clergymen of the Church of England, like the ministers of all other religious persuasions, must be trained and educated in distinct adhesion to a positive and intelligent system, if they are to discharge their duties

with honour to themselves or satisfaction to the community. Now it appears to me that while it is most desirable that this subject should be legislated upon in an effectual manner, no manner will be effectual which does not include a due regard to the position of the clergy within the Universities, and a regard for the securities which it is desirable for us to preserve for the general maintenance of religious education within the limits of these seminaries. I know it will be generally answered that members of the Church of England will form the large majority of those who now, or at any probable period, will avail themselves of the privileges of the Universities, and that in that fact lies our security. I do not deny that there is very considerable force in that reply; but when we consider what education is, and how essential it is that those who trust their children to the Universities in the period of youth should know in what principles they are to be trained, they have a right to ask from Parliament a much more definite and distinct indication of the nature of that education and of those principles than would be afforded by merely trusting to the proportions in which the religious communities might be divided within the Universities themselves. The second point urged by my hon. Friend is also one of great force, and is one that influences me very strongly. It is that with regard to the religious question the Universities should be dealt with as a whole. There is, in my opinion, no reason whatever for severing one portion of this question from another; and with respect to that important point I must, with great respect, express my dissent from my hon. and learned Friend the Member for Exeter. It may be quite right that Parliament should interfere from time to time, upon sufficient occasion, for the purpose of altering the state of the Universities; but it cannot be right or politic with reference to places of education, which should as little and as rarely as possible be disturbed from without, that questions of this kind should be dealt with piecemeal, and that small changes should from time to time be proposed, intended—though I do not mean to say my hon. and learned Friend has that intention—or calculated to be followed up by other tentative efforts. It is only fair to the Universities that what Parliament may think fit to be done should be done in a complete and intelligible form, and in such a manner that when the Act shall

have received the assent of the Sovereign the matter may be dismissed for a lengthened period, and the Universities left to prosecute their functions in peace and tranquillity. My second difficulty with regard to my hon. Friend's Bill is this—I am of opinion that whatever principles are adopted with respect to the regulation of the differences of religious communion as they affect the governing bodies of the Universities and Colleges, should be determined by Parliament. I am not prepared to delegate to those who, may for the moment be the recipients of the bounty of the founders, and those charged with the duties of education—even when assisted by visitors or whatever bodies may be entitled to take part in the alteration of the statutes—the vital and fundamental matters relating to the administration of their trust, or to leave them to determine upon what grounds Dissenters are to be admitted into the governing bodies of the Universities or Colleges. That point should be determined by Parliament. With regard to the position of Roman Catholics under this Bill there appears to be some difference of opinion in the House. My objection to the Bill on this ground is that it would be unequal in its operation, and that while it will attach no religious limitation whatever to Protestant Nonconformists, it will exclude Roman Catholics. [Mr. BOUVÉRIE: No, no!] It appears to me that that will be the operation of the Bill as it stands. The Act of 1 Geo. I. c. 13, prescribes that all Heads or Governors or other members of Colleges or Halls of the Universities that shall enjoy any exhibition, or persons teaching pupils in any University or elsewhere, shall take the oaths of allegiance, supremacy, and abjuration. That, of course, would exclude Roman Catholics. But then comes the modification of the Act by the 21 & 22 Vict., which substitutes for these three oaths one oath simplified in form. That oath, however, still contains the declaration that no foreign Prince, Prelate, Power, or Potentate hath or ought to have any ecclesiastical authority within this realm. These words are still operative with regard to all persons who are bound to take the oaths of allegiance, supremacy, and abjuration. I understand that the answer, and the only answer, to that is that, though the law would require the Roman Catholic to take the oath disclaiming the jurisdiction of the Pope, which, of course, he would not take,

Mr. Gladstone

he would be covered by the Act of Indemnity. If that be so, it is, in my opinion, not satisfactory. I do not think that we could with our eyes open constitute a state of law by which certain obligations are to be kept alive, and yet from which those individuals are to escape by the Act of Indemnity. But the argument in favour of such a proposal is contrary both to the spirit and letter of the Act of Indemnity; because it does not, without limitation, except from civil consequences all those who have omitted to take the oaths that are required by law, but only those who through ignorance of the law, absence, or some other unavoidable accident, have omitted to qualify themselves. Now this is not a case in which either ignorance, absence, or unavoidable accident can apply, but one in which the objection is well-known and permanently operative. I repeat that if we are to legislate on this subject we must legislate equally for all parties. I am not here to set up any special claim for the Roman Catholics. I do not think it could be made good. I do not think that the historical events of the Reformation left them any claim in such a direction. Admitting, however, that some legislation is necessary, I am not prepared to devolve upon the Colleges the matter of determining the fundamental principles of their own constitution; nor am I prepared to deal with this question by a Bill which approaches the question only by a single corner, which leaves the greater part of the work undone, which disturbs the existing state of things in the Universities, and which does not contain within it the elements of a sound and permanent settlement.

MR. BERESFORD HOPE, in recognizing the truth of much which had fallen from the right hon. Member for South Lancashire, protested against his inference that wide legislation for the Universities was needed. He acknowledged the moderation of tone which characterized the speech of his hon. Friend the Member for Brighton (Mr. Fawcett); but he felt bound to point an error, common to persons of his tone of thought, which pervaded it—that of unconsciously assuming that all largeness of mind and real liberality of sentiment was necessarily bound up with laxity of opinion and a loose grasp of positive truth, and that those who held a dogmatic belief were necessarily narrow and bigoted. For his own part, convinced as he was that there were such things as truth and error,

he claimed for the Church of England the possession of a sound belief combined with the fullest liberality towards those whose views were different. Standing, then, on this ground of dogmatic truth, he contended that as much harm would be done to the Nonconformists themselves—believers as they were in positive truth from their own point of view—as to the members of the Church of England by throwing open the Universities. The country was rich enough to provide Colleges and special endowments at the Universities for the Dissenters, and when his hon. Friend asked where was the money to come from, he had no doubt it could easily be obtained. He had, indeed, assessed the total value of the Universities and Colleges with their emoluments at £20,000,000. But supposing this figure to be correct, it was merely confusing argument to bring it forward against a so much smaller and more feasible scheme, as the foundation of Nonconformist Colleges or Halls. If the Nonconformists, with that liberality by which they were distinguished, chose to raise a capital sum, they might create endowments which should be absolutely at their own disposal. It would hardly be contended that the Nonconformists would be entitled to come to that House for redress simply because they were excluded from the government of the Colleges, for as long as there was dogmatic teaching that exclusion was absolutely necessary. He would ask a question which had been much overlooked during the discussion. What would be the practical working of the Bill if it were to pass? It would be this—that if a certain number of Colleges in Oxford and Cambridge were to throw open their Fellowships, these, instead of being as now the reward of pure academic merit, might become the subject of electioneering squabbles; the numbers of voting Fellows on each side would be calculated, and so purity of election would be most certainly brought into suspicion. That the evil was not visionary would be clear when it was recollected that the number of Fellowships at certain of the smaller Colleges was very limited. These not unlikely would be the first opened; and once Nonconformity got a lodgment in any one, it would attract its own votaries till the religious complexion of the whole body might turn upon a single vote one way or the other. It would be utterly impossible to throw the Colleges open without making them arenas of contention, which would be totally opposed to the spirit of their in-

stitution. Would either Churchman or Nonconformist consent to place his child amid scenes of such dangerous and unsettling controversy? The foundation of Dissenting Colleges could not be considered a matter of such difficulty when it was remembered that a few years ago a Roman Catholic College would have been founded at Oxford, had it not been for the jealousy of the College of Cardinals, which checked the enlightened desire of the Roman Catholics of England. As for the assertion, vehemently pressed by the hon. and learned Member for Portsmouth, that the Roman Catholics had a special claim upon the endowments of the Universities, that might be very well coming from unlawyerly lips, but he should have expected better law from the learned Gentleman. A lawyer at least ought to be aware that as a corporation the Church of England was the same body without breach of continuity before and after the Reformation. The same organization, the same dioceses and parishes, existed then and now. The same Courts sat, the same provisional constitutions, except where they might be specifically annulled, were still appealed to—and even if there were anything in the plea, was the learned Serjeant ignorant of how many Colleges, how many Fellowships and scholarships—not to name Professorships—had been set up in the Universities since the Reformation?

MR. CARDWELL said, he felt it his duty to support the second reading of the Bill. His hon. Friend opposite who so worthily represented the University of Oxford (Sir William Heathcote) admitted that he was in some difficulty in arguing against it in a House which, by a very large majority, had accepted the Bill of the hon. and learned Member for Exeter (Mr. Coleridge). The principle which acted upon the majority of the House was, no doubt, the desire to have a free University, and that in that free University there should be pupils of different creeds candidates for honours. Now, what was the Bill before the House? By many it had been argued as if the Bill required the governing bodies of the Colleges to adopt new rules and principles of practice. But that was not so. There was a statutory disqualification which was imposed upon all the governing bodies of the Universities, and the object of the Bill simply was to remove that statutory disqualification. When the House passed the Bill of the hon. and learned Member for Exeter it

established a free University; and when the present Bill was passed, then, according to their several statutes, the Colleges could accommodate themselves to the altered state of the law. When a College desired to adhere to its former principles, and to remain adapted exclusively to members of the Church of England, it would be at liberty to do so; when another College, whose statutes might be more liberal, wished to extend its borders, it would be enabled to do so; but there would be no compulsion. His right hon. Friend the Member for South Lancashire (Mr. Gladstone) had contended that it was of the utmost importance to retain the principle of religious training for those who were preparing for the ministry of the Church of England. He presumed that they all cordially concurred in that feeling. But did anybody believe that if this Bill were passed any large proportion of the Colleges would so alter their statutes as to make it difficult for candidates for the ministry of the Church of England to obtain that religious training which they required? They might rather look to a contrary effect. There would be no want of Colleges for the exclusive education of ministers of the Church of England. If it were desirable that the ministers of the Church of England should, in the plastic period of their youth, be trained, not in separate institutions, but in friendly communion with those who were being educated for other pursuits, then that great object would be still more completely attained if they passed this Bill. His hon. and learned Friend the Member for the University of Cambridge (Mr. Selwyn), in objecting to the Bill, had quoted the authority of Robert Hall to show that when the senior tutor and the junior tutor were of opposite opinions it tended to lead to latitude of religious views. But his hon. and learned Friend immediately proceeded to answer his own objection, because he said if a distinguished man had risen to such a position that if he were not a Dissenter he would be elected to a Fellowship the hardship of exclusion would not exist, because his services might be made available for a tuition in the University. What, then, became of the argument from Robert Hall? His hon. and learned Friend was better acquainted with Cambridge than with Oxford. He (Mr. Cardwell), on the contrary, was better acquainted with Oxford than with Cambridge, and he knew very distinguished Colleges in Oxford where, if they were to take the

Mr. Cardwell

Heads and the most eminent Fellows under the existing laws, they would find anything but security for uniformity of opinion. Then it had been objected that this Bill did not apply to Roman Catholics. His hon. Friend intended that it should so apply; but if it did not let them give it a second reading, and in Committee they could remove all doubt upon that head. His right hon. Friend the Member for South Lancashire (Mr. Gladstone) had dwelt upon the policy of dealing with the subject as a whole, and not merely touching its fringes and corners. That was a matter of opinion, and he must express his dissent from his right hon. Friend. It appeared to him that his hon. and learned Friend the Member for Exeter had exercised a sound discretion in confining his Bill to the principle which he wished to carry—namely, to the establishment of free Universities. In like manner it appeared to him that those who had the conduct of the present Bill had done wisely in not seeking to enact that this should be a Church College, and that a College of a particular denomination—a proposition which he thought it would be utterly impossible to enforce by statute. By removing the statutory disqualification, on the other hand, they had left it to the statutes of the Colleges, to the governing bodies, and the operation of the law of those bodies, to determine what kind the Colleges should be; and in that they had done well. Believing, then, in the soundness of the Bill both in principle and probable operation, he should cordially support the Motion for the second reading.

MR. GATHORNE HARDY said, he had hoped the discussion would have terminated without his feeling called upon to take any part in it; but he could not allow the speech which they had just heard to pass without some remark. The right hon. Gentleman opposite (Mr. Cardwell) was of opinion that incessant agitation and incessant attack on the Universities were good, for he had told the House in so many words that he was opposed to dealing with the question in a general measure, because the House would then see the whole question, and would be able to deal with it on those principles which are confessed to be necessary, but are not yet ready to be carried into effect. The right hon. Gentleman the Member for South Lancashire (Mr. Gladstone) spoke in a more statesmanlike manner. [*A laugh.*] He surely might see in Gentlemen to

whom he was opposed principles of high statesmanship, genius, and great talents. He could see talent in the hon. Member for Brighton (Mr. Fawcett), who laughed at his remark, although he hardly ever agreed with him. The right hon. Member for South Lancashire said that the Universities were not places for free discussion, but places where persons might send their sons to receive a definite education on principles on which they could rely, and that when Parliament dealt with such institutions they should do so upon general principles, and legislate for Universities and Colleges alike. Well, he considered that was a more statesmanlike view of the subject than had been expressed by the right hon. Member for Oxford. But the right hon. Gentleman who spoke last (Mr. Cardwell) says he thinks quite the contrary; he says he thinks that they ought to drive in a little wedge here, as the hon. and learned Member for Exeter (Mr. Coleridge) had done, and another little wedge there, as the hon. Member for Brighton (Mr. Fawcett) would do, and in that way they might undermine and sap the position of the Universities until they were brought down to the level to which he wished to see them reduced. The arguments of the hon. Member for Brighton applied not merely to Colleges or schools, but would justify the turning of all endowments whatever to the advantage of those opinions which he so honestly and conscientiously professed, but which were directly antagonistic to the principles on which these institutions were founded. The right hon. Gentleman opposite (Mr. Cardwell), referring to the remarks of the hon. and learned Member for Cambridge University (Mr. Selwyn), seemed to think it no unfair perversion of his argument to represent that because a student, having a tutor of one creed, might go to a private tutor who was of another creed for the purpose of instruction in a particular subject, this was the same thing as having tutors of different persuasions within the same walls, governing the same bodies, and administering the same rules. The right hon. Gentleman had said that there would always be differences of opinion within the Church; and so he (Mr. Gathorne Hardy) trusted there would; but they were differences which did not undermine or destroy the great foundations of their creed which Churchmen might hold in common with many Nonconformists, but which did not

include all the principles which Nonconformists maintained. His right hon. Friend had argued that this was a Bill for removing restrictions; but he ought to know that he understated it in so describing it, for there were Colleges which, relying upon this Act and upon principles which then commanded general assent, had not thought it necessary to insert these safeguards in their statutes. If therefore the promoters of this measure were content that the Colleges should regulate these matters, it would be but fair to provide that they should have the opportunity of setting themselves straight upon this point. His right hon. Friend (Mr. Cardwell) had intimated that he looked upon this as a matter not of compulsion, but of permission. Now, what would be the fate of this proposal, or how soon it might be carried, he did not know; but if it passed, and if other little Bills carrying the question a step further were introduced, what would his right hon. Friend say if he were appealed to and asked if he did not formerly express disapproval of compulsion? He would probably reply, "Yes, I thought the Colleges would have been wiser and would have admitted people more freely; but some of them are still recalcitrant and obstinate, and now it is necessary to resort to compulsion." What had been the course of what was called permissive legislation? Permissive legislation had always been promoted by those who wished to establish a grievance which did not up to that time exist; permission given was taken to mean that Parliament meant it to be acted upon, and having carried this Bill, they would turn round and say, "You have had the opportunity of doing what we regard as wise and just; but as you will not do what Parliament evidently intended you should, we must now put compulsion upon you." He had always held, and he believed he should always continue to hold, that, at least in the governing body of any system of education, there must be men of one mind religiously, or there would be no consistent religious education. This principle had hitherto been recognised in our schools and Colleges, though some philosophers sought to ignore it. This deep religious feeling exists in the minds of men of all religious denominations, who were continually struggling against the trammels and bonds with which you sought to burden them, though you tell them they are the silken threads of liberty by which you wish them to

be guided. That which had been bestowed from the deep feeling of religion in the human heart was seized on for their own purposes by these miserable philosophers, who appear to him never to give anything out of their own pockets for the furtherance of their views. Point to him where were those foundations for secular instruction which could vie with those great religious institutions which were the triumphs of religious sentiment, or denominational sentiment, if such you may like to call it? They might depreciate the sentiment, but he believed it would continue to prevail, however they might try to trample down the principles on which these Colleges had been founded. Believing that this Bill was a step of the worst kind, and in the worst direction, and believing that it would tend to degrade these schools of learning and religion—however it might be qualified by the caution and prudence of his right hon. Friend (Mr. Cardwell) into places of no special religious instruction—believing that this Bill was of that description, he hoped the House would continue to resist it, as he trusted they would oppose every attempt to degrade educational institutions, where religious instruction was also afforded, by placing them simply on a secular footing.

MR. BOUVERIE said, he wished to recall the House from the excited feeling which had been imported into the debate by the right hon. Gentleman who had just spoken to the question actually before it. He would first, however, clear up the doubt as to the position of Roman Catholics which had been expressed by the right hon. Member for South Lancashire. Although by the Acts of *Geo. I.* and of the present reign the oath of abjuration was required to be taken by Fellows of Colleges and a great number of official and other persons, an Indemnity Bill was annually passed, relieving them from all penalties for not having taken that oath. The loophole was so wide that anybody could walk through it; and the right hon. Gentleman was quite mistaken in thinking that the preamble limited the operation of the indemnity, for the enactment explicitly relieved all persons who did not take the oath. Roman Catholics and Protestant Nonconformists were therefore equally interested in the success of this measure, and he, for one, should be ashamed to support any proposal which did not extend to the former as well as to the latter. He viewed this question in a somewhat differ-

ent light from his hon. Friend the Member for Brighton (Mr. Fawcett) and other supporters of the Bill. He was in favour of the religious character of collegiate education—so far as it could be said to be of a religious character. Those best acquainted with the Universities practically knew how little there was of that character; but, little as there was, none of them, he thought, would wish to see it removed, and he contended that this Bill would not in the least affect it. Here, as the case had been well put by his right hon. Friend (Mr. Cardwell), were a number of small corporations, established under certain trust deeds expressing the wills of the founders; and, after most of them had existed and carried on their affairs under those deeds and under their own bye-laws for centuries, Parliament, 200 years ago, stepped in and imposed a condition on the acquiring a status in those corporations which did not exist before. The Bill merely sought to remove that condition, and leave these corporations in the position in which they were originally placed, and with the powers which they possessed of passing bye-laws for their own regulation. It did not attempt to restrain, but rather sought to restore their freedom and liberty. He thought, moreover, he should be able to satisfy the House that the Bill did not tamper with the securities maintaining the connection, such as it was, between the Church of England and these Colleges. He had heard no attempt to argue that the declaration made at the time a gentleman acquired a Fellowship, that he would conform to the doctrines and liturgy of the Church of England, was the slightest security for his religious belief, even at the moment he made it, and certainly not at any subsequent period of his life. The only construction which could be put upon the declaration was that the person who made it did not then belong to any Nonconformist body; and, accordingly, a few gentlemen who had been brought up as Protestant Nonconformists had scrupled to make it, and had thus, although some of them had acquired the greatest distinction, been excluded from Fellowships. It was not, however, that declaration which was any security for the Church of England or for the religiousness of the Colleges, but portions of the Act of Uniformity with which the Bill did not interfere—namely, those which required the chapel services to be conducted in accordance with the liturgy of the Church

Mr. Gathorne Hardy

of England, and which required the Head of a College to sign the Thirty-nine Articles, declare his assent to the Book of Common Prayer, and make all those subscriptions which were till lately required of clergymen. The House must not forget that the Heads of Colleges at both Universities were almost without exception clergymen of the Church of England, and that the great body of the Fellows were also required to be so, and were thus bound by the oaths they had taken to do nothing hostile to that Church. How, then, could the admission of a few stray Protestant Nonconformist or Roman Catholic Fellows influence the religious education of a College? As for Tutors, they were appointed by the Head, who must either be a clergyman or must have taken the same oaths as a clergyman; and if, as was to be supposed, a friend to the Church, he would take good care not to appoint Tutors, who were likely, however suitable in other respects, to infringe that line of religious teaching which the Church thought it necessary to maintain. The apprehension was a purely imaginary one; and he might remark that all the arguments used by hon. Gentlemen opposite were arguments not addressed to this proposition, but to the entire exclusion of Dissenters from the Universities. The passages dug up by the hon. and learned Member for Cambridge University from an old pamphlet by the late Bishop of Ely were directed purely against the admission of Dissenters; yet, though Dissenters had now been admitted, the Universities were described as perfectly happy and contented with the arrangements Parliament had made, and as wishing for nothing further to be done. Thus, the very measure which they formerly resisted they now asked the House to maintain. This, moreover, was not a case of bit-by-bit legislation, for a consistent course had been taken throughout by the majority of the House. When the Cambridge Act was discussed, a proposal was made by Mr. Heywood to make the admission of persons of all religions to Fellowships compulsory, and to remove all tests and declarations from Fellowships in the same way as from scholarships and minor emoluments. He (Mr. Bouverie), however, having charge of that Bill, resisted that proposal on the same ground as that on which he supported the present measure—namely, that the Colleges should be left free in the matter, and should be guided by their own sense of what was

right. He thought it wrong for Parliament to impose conditions on them, and the House, acting on that view, rejected the proposition. He did not believe that a single person at Cambridge was aware at that time of this requirement of the Act of Uniformity, which had only been called up out of desuetude because other tests had been removed. Its operation had certainly been most injurious, for it had excluded a number of men of the first distinction from the legitimate reward of their ability and scholarship. It was all very well to say that these gentlemen, having had a University education, and having had the satisfaction of winning distinction, had gained everything they could expect. To say “they have got the empty praise—let us keep the solid pudding” was unworthy of the Church of England. They ought to have a little more confidence in the truth and force of the doctrines which they held, and should be ready to believe, as he did, that if these gentlemen came to the Universities in such numbers, as they were very likely to do if Fellowships were thrown open, and if they won these emoluments in fair competition, the Church of England was much more likely to make an inroad upon the body of Protestant Nonconformists or Roman Catholics than the latter were to make an inroad on the Church of England.

Mr. HENLEY said, he was induced by the strange and inconsistent arguments of the supporters of the Bill to offer a few observations. The right hon. Gentleman (Mr. Bouverie) said that by a restriction, which nobody was probably aware of at the time the University Reform Bills were passed, the Colleges were impeded from doing what they wished. He (Mr. Henley) defied him, however, to instance a single petition from any of these bodies—from these “small corporations,” as the right hon. Gentleman (Mr. Cardwell) had been pleased to designate them—asking for liberty which they did not now possess. The hon. Member who introduced the Bill (Mr. Fawcett) had represented it as only a small one, and had virtually said, “Just give us permission to share in these splendid endowments, for if you won’t let us have a share, we’ll come very shortly and take them all.” The hon. Member for Plymouth (Mr. Morrison), following this up, had argued that the Church of England had no right to these endowments, but that they really belonged to the Roman

Catholics, by whom most of the colleges had been built; and the hon. and learned Member for Portsmouth (Mr. Serjeant Gaselee), putting the thing in the broadest manner, had said, "You don't suppose founders' wills are to last for ever?" Unlike the right hon. Gentleman (Mr. Bouverie), who thought it a matter of byelaws, the learned Serjeant had a notion that founders' wills stood in the way, and he seemed to look on them as musty parchments, only to be got rid of. There was, however, such a thing as truth and justice, which the lapse of time did not affect; and he was at a loss to conceive why, when foundations had been made absolutely for the benefit of one set of persons, another set, simply because they happened to have a large share of intellect, coupled with very little honesty, should come in and lay hands upon what was never intended for them. He could not understand, moreover, why laymen were not entitled to the same care of their religious education as persons intended for the Church; it was of equal consequence to them individually, and it would be a most lamentable thing if the religious character of the Universities were tampered with. He had not much fear, however, on that head, for the strong religious feeling of the country was setting itself resolutely against these endeavours to get rid, under the name of liberality, of all distinctive religious teaching. He opposed the Bill, partly because it was an attempt of that kind, but mainly because it tended to disturb the security of property by disregarding founders' wills, and giving to A what had been intended for B. The arguments of the hon. Members for Brighton, Plymouth, and Portsmouth were as applicable to all Church property as to the Universities, and they might as well propose to allow anybody who had the patronage of a benefice to bestow it on the cleverest and most intellectual man he could find, no matter what his religious opinions. He was strongly opposed to such changes, and hoped, therefore, that the Bill would be rejected.

MR. FAWCETT, in reply, said, that with regard to the bearing of the Bill on Roman Catholics, he had asked the right hon. Member for Limerick (Mr. Monsell) to investigate the matter, and had promised him to introduce in Committee, if necessary, a clause which would satisfy him and his co-religionists. As to the stress laid on the fact that the majority at

the Universities had petitioned against the measure, it should be remembered that they had opposed every step which had been taken for the removal of religious disabilities. The petition in its favour had, however, been signed by a majority of the tutors and assistant-tutors of Trinity College, and they would, doubtless, feel complimented at having been described by the hon. and learned Member for the University (Mr. Selwyn) as a noisy and restless minority. He had been taunted with the small dimensions of the Bill; but, small as it was, it perfectly satisfied him, and he believed would also satisfy those friends of unsectarian education who agreed with him.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 200; Noes 156: Majority 44.

Main Question put, and agreed to.

Bill read a second time, and committed for Monday next.

AYES.

Acland, T. D.	Craufurd, E. H. J.
Adam, W. P.	Crawford, R. W.
Agnew, Sir A.	Cremorne, Lord
Allen, W. S.	Dawson, R. P.
Amberley, Viscount	De La Poer, E.
Anstruther, Sir R.	Denman, hon. G.
Armstrong, R.	Dent, J. D.
Ayrton, A. S.	Dilke, Sir W.
Aytoun, R. S.	Dillwyn, L. L.
Bagwell, J.	Doulton, F.
Baines, E.	Duff, M. E. G.
Barclay, A. C.	Eliot, Lord
Barnes, T.	Elliee, E.
Barron, Sir H. W.	Enfield, Viscount
Bass, A.	Esmonde, J.
Baxter, W. E.	Evans, T. W.
Bazley, T.	Ewart, W.
Brady, J.	Eykyn, R.
Browne, Lord J. T.	Fawcett, H.
Bruce, rt. hon. H. A.	Fildes, J.
Bryan, G. L.	Finlay, A. S.
Butler, C. S.	FitzGerald, rt. hon. Lord
Calcraft, J. H. M.	O. A.
Calthorpe, hn. F. H. W. G.	Foljambe, F. J. S.
Candlish, J.	Fordey, W. D.
Cardwell, rt. hon. E.	Forster, C.
Carnegie, hon. C.	Fortescue, rt. hn. C. S.
Cavendish, Lord E.	Fortescue, hon. D. F.
Cavendish, Lord F. C.	Foster, W. O.
Cheetham, J.	French, rt. hon. Colonel
Childers, H. C. E.	Gaselee, Serjeant S.
Clement, W. J.	Gaskell, J. M.
Clinton, Lord E. P.	Glyn, G. G.
Clive, G.	Goldsmid, Sir F. H.
Colebrooke, Sir T. E.	Goldsmid, J.
Coleridge, J. D.	Goschen, rt. hon. G. J.
Collier, Sir R. P.	Gower, hon. F. L.
Colthurst, Sir G. C.	Graham, W.
Colville, C. R.	Gray, Sir J.
Corbally, M. E.	Grey, rt. hon. Sir G.
Cowen, J.	Gridley, Captain H. G.

Mr. Henley

Grosvenor, Capt. R. W. Onslow, G.
 Hadfield, G. Otway, A. J.
 Hamilton, E. W. T. Owen, Sir H. O.
 Hankey, T. Padmore, R.
 Harcastle, J. A. Parry, T.
 Hartington, Marquess of Pease, J. W.
 Hartley, J. Peel, A. W.
 Hay, Lord J. Phillips, R. N.
 Hay, Lord W. M. Platt, J.
 Hayter, Capt. A. D. Pollard-Urquhart, W.
 Headlam, rt. hon. T. E. Potter, E.
 Henderson, J. Potter, T. B.
 Heneage, E. Power, Sir J.
 Henley, Lord Pritchard, J.
 Herbert, H. A. Rawlinson, Sir H.
 Hibbert, J. T. Rebow, J. G.
 Hodgkinson, G. Robartes, T. J. A.
 Holland, E. Rothschild, Baron M. de
 Howard, hon. C. W. G. Rothschild, N. M. de
 Hughes, W. B. Russell, A.
 Hutt, rt. hn. Sir W. Russell, H.
 Ingham, R. Russell, Sir W.
 Jackson, W. Salomons, Alderman
 Jervoise, Sir J. C. Samuda, J. D'A.
 Kennedy, T. Samuelson, B.
 King, hon. P. J. L. Seely, C.
 Kinglake, J. A. Sheridan, H. B.
 Knatchbull-Hugessen E Sherriff, A. C.
 Labouchere, H. Simeon, Sir J.
 Laing, S. Smith, J.
 Lamont, J. Smith, J. A.
 Lawrence, W. Smith, J. B.
 Leatham, W. H. Staepoole, W.
 Leeman, G. Stanley, hon. W. O.
 Lefevre, G. J. S. Stirling-Maxwell, Sir W.
 Locke, J. Stock, O.
 Lowe, rt. hon. R. Stuart, Col. Crichton-
 Lusk, A. Sykes, Colonel W. H.
 MacEvoy, E. Talbot, C. R. M.
 Mackie, J. Taylor, P. A.
 Mackinnon, Capt. L. B. Tite, W.
 Mackinnon, W. A. Torrens, W. T. M'C.
 M'Lagan, P. Tracy, hon. C. R. D
 M'Laren, D. Hanbury-
 Maguire, J. F. Trevelyan, G. O.
 Martin, C. W. Villiers, rt. hon. C. P.
 Martin, P. W. Vivian, H. H.
 Merry, J. Vivian, Capt. hn. J. C. W.
 Milbank, F. A. Western, Sir T. B.
 Mill, J. S. Whatman, J.
 Miller, W. Whitbread, S.
 Mitchell, A. White, J.
 Mitchell, T. A. Wickham, H. W.
 Monk, C. J. Winnington, Sir T. E.
 Moore, C. Woods, H.
 Murphy, N. D. Wyld, J.
 Neate, C. Wynne, W. R. M.
 Nicol, J. D. Young, R.
 Norwood, C. M.
 O'Beirne, J. L.
 O'Brien, Sir P.
 Oliphant, L.

TELLERS.

Bouverie, rt. hn. E. P.
 Morrison, W.

NOES.

Adderley, rt. hon. C. B. Barrington, Viscount
 Akroyd, E. Bateson, Sir T.
 Annesley, hon. Col. H. Bathurst, A. A.
 Arkdall, Captain M. Beach, Sir M. H.
 Arkwright, R. Bective, Earl of
 Bagge, Sir W. Beecroft, G. S.
 Bailey, Sir J. R. Bentinck, G. C.
 Baillie, rt. hon. H. J. Benyon, R.

Bingham, Lord
 Booth, Sir R. G
 Brett, W. B.
 Bridges, Sir B. W.
 Bromley, W. D.
 Bruce, C.
 Bruen, H.
 Burrell, Sir P.
 Capper, C.
 Cartwright, Colonel
 Cave, rt. hon. S.
 Cecil, Lord E. H. B. G.
 Clive, Capt. hon. G. W.
 Cole, hon. H.
 Cooper, E. H.
 Corry, rt. hon. H. L.
 Cox, W. T.
 Cranborne, Viscount
 Cubitt, G.
 Curzon, Viscount
 Dalkeith, Earl of
 Dimsdale, R.
 Disraeli, rt. hon. B.
 Du Cane, C.
 Duncombe, hn. Admiral
 Du Pre, C. G.
 Edwards, Sir H.
 Egerton, Sir P. G.
 Egerton, hon. A. F.
 Egerton, E. C.
 Egerton, hon. W.
 Fane, Lt. Col. H. H.
 Feilden, J.
 Fellowes, E.
 Fergusson, Sir J.
 Floyer, J.
 Gallwey, Sir W. P.
 Galway, Viscount
 Gladstone, rt. hn. W. E
 Goddard, A. L.
 Goldney, G.
 Goodson, J.
 Gore, J. R. O.
 Graves, S. R.
 Gray, Lieut.-Colonel
 Greenall, G.
 Greene, E.
 Grey, hon. T. de
 Griffith, C. D.
 Guinness, Sir B. L.
 Gwyn, H.
 Hamilton, rt. hn. Lord C.
 Hardy, rt. hon. G.
 Hardy, J.
 Hay, Sir J. C. D.
 Heathcote, hon. G. H.
 Heathcote, Sir W.
 Henley, rt. hon. J. W.
 Henniker-Major, hn. J.
 M.
 Hervey, Lord A. H. C.
 Hesketh, Sir T. G.
 Heygate, Sir F. W.
 Hildyard, T. B. T.
 Holford, R. S.
 Holmesdale, Viscount
 Hood, Sir A. A.
 Hope, A. J. B. B.
 Hornby, W. H.
 Horsfall, T. B.
 Hotham, Lord
 Howes, E.
 Huddleston, J. W.
 Hunt, G. W.
 Jones, D.
 Karslake, Sir J. B.
 Kavanagh, A.
 Kekewich, S. T.
 Kendall, N.
 King, J. K.
 King, J. G.
 Knight, F. W.
 Knightley, Sir R.
 Lacon, Sir E.
 Laird, J.
 Langton, W. G.
 Lefroy, A.
 Malcolm, J. W.
 Manners, rt. hn. Lord J.
 Manners, Lord G. J.
 Meller, Colonel
 Montagu, rt. hn. Lord R.
 Montgomery, Sir G.
 Morgan, O.
 Mowbray, rt. hon. J. R.
 Neeld, Sir J.
 Newdegate, C. N.
 Noel, hon. G. J.
 North, Colonel
 Northcote, rt. hn. Sir S. H.
 O'Neill, E.
 Packer, Colonel
 Parker, Major W.
 Patten, Colonel W.
 Peel, rt. hon. Gen.
 Pennant, hon. G. D.
 Percy, Major-Gen. Lord
 H.
 Powell, F. S.
 Read, C. S.
 Repton, G. W. J.
 Ridley, Sir M. W.
 Robertson, P. F.
 Rolt, Sir J.
 Royston, Viscount
 Schreiber, C.
 Slater-Booth, G.
 Seymour, G. H.
 Smith, A.
 Smith, S. G.
 Stanley, hon. F.
 Stronge, Sir J. M.
 Stuart, Lt. Colonel W.
 Surtees, H. E.
 Taylor, Colonel
 Tottenham, Lt. Col. C. G.
 Treeby, J. W.
 Trevor, Lord A. E. Hill-
 Turner, C.
 Vance, J.
 Verner, Sir W.
 Vernon, H. F.
 Walcott, Admiral
 Walker, Major G. G.
 Walsh, Sir J.
 Waterhouse, S.
 Whitmore, H.
 Wise, H. C.
 Woodd, B. T.
 Wyndham, hon. H.
 Wynn, Sir W. W.
 Wynn, C. W. W.

TELLERS.

Selwyn, C.
 Gorst, J. E.

ATTORNEYS, &c., CERTIFICATE DUTY
BILL—[BILL 53.]

(Mr. Denman, Mr. Vance, Sir John Ogilvy.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [2nd April], "That the Bill be now read a second time."

Question again proposed.

Debate resumed.

MR. HUNT said, that in the absence of the Chancellor of the Exchequer, who had not expected the adjourned debate on the Bill to be resumed to-day, he trusted the hon. and learned Gentleman would not press his Motion.

MR. BENTINCK moved the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."—(Mr. Bentinck.)

The House divided:—Ayes 91; Noes 132: Majority 41.

Question again proposed, "That the Bill be now read a second time."

MR. AYRTON said, that having moved the adjournment of the debate when the Bill was last under the notice of the House he might be permitted to express his regret that the House had decided upon resuming the consideration of a measure of so much importance only a few minutes before the usual hour of adjournment. It was very easy and agreeable, no doubt, for any individual Member to propose to relieve a particular class from the payment of a tax; but it was the duty of the House to consider the interest of all classes of society. When this question was last before the House he had thought it their duty to leave the Chancellor of the Exchequer free and unfettered, in order that he might first state the financial proposals of the year. If he had pressed upon the notice of the right hon. Gentleman any particular taxes which, above and before all others, had a claim upon his attention, it would have been the taxes on locomotion. Why should they take 1s. a day from a poor cabman for the National Exchequer before they allowed him to drive his cab along the streets? Why should omnibuses and omnibus drivers pay a tax? If a man who kept a taxed cart for the purposes of his business met his wife on the road and gave her a ride, he was liable to be heavily taxed, if he were on bad terms with the

taxgatherer. The taxes on locomotion were, indeed, involved in extraordinary absurdity and perplexity. There was a special reason why the House should not at the present moment remit the certificate duty paid by attorneys. The National Exchequer would have to contribute something towards the new Courts of Justice. The concentration of these courts would enable the attorneys to perform various duties in less than half the time and at half the trouble they now involved, and therefore he thought the present an inopportune moment to seek to relieve the attorneys of this tax. He thought, too, that any proposition of this kind should be accompanied by some proposition for reducing their fees and charges. He hoped that the hon. and learned Member would withdraw his Bill. The attorneys were well able to plead their own cause, and it would be much better if gentlemen at the bar did not interfere in the matter.

Debate further adjourned till To-morrow.

LIMERICK HARBOUR (COMPOSITION OF DEBT)
BILL.

Select Committee on the Limerick Harbour (Composition of Debt) Bill nominated:—Mr. MONSELL, Major GAVIN, Mr. GREGORY, Mr. GEORGE MORRIS, Mr. GRAVES, Mr. PAULL, and Five Members to be nominated by the Committee of Selection:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 30, 1867.

MINUTES.]—NEW MEMBER SWORN—Lord Ronald Sutherland Leveson Gower, for Sutherlandshire.

PUBLIC BILLS—*Resolutions in Committee*—Railways [Cancellation of Bonds]; Houses of Parliament [Expense of Approaches].

Ordered—Industrial and Provident Societies Acts Amendment.*

Second Reading—Exchequer Bonds (£1,700,000)*; Consolidated Fund (£14,000,000)*; Sir John Port's Charity* [144]; Railways (Scotland)* [122]; Public Works Loans* [172]; Metropolitan Subways* [139].

Referred to Select Committee—Sir John Port's Charity*; Metropolitan Subways.*

Committee—Representation of the People [79] [Clause 8] [R.F.]; Court of Chancery (Ireland)* [47] [R.F.]; Metropolitan Police* [171] [R.F.]; Vaccination* [125].

Report—Vaccination* [175].

NORTH BRITISH RAILWAY (CARLISLE
DEVIATION) BILL.—CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

MR. HADFIELD said, he rose to move that the consideration of this Report be referred to a Select Committee. This was a case of great hardship to the shareholders of the Edinburgh and Glasgow Company. Not long ago they were induced to amalgamate with the North British Company, and they did so believing that it was a company of undoubted respectability. They, however, soon found out their mistake; and instead of receiving the benefits and security which they anticipated by the amalgamation, they were placed in the worst possible position. They discovered that the dividends which had been paid in former years by the North British Company were fictitious dividends, and that false accounts had been kept by them. The North British Company were now in such difficulties that they came to Parliament to ask them to grant power to raise no less a sum than £1,875,625, which was to be pre-preference stock; and thus to have preference over all the preference and other shareholders existing at the present time. If this proposal had not been an injury to the preference shareholders, possibly no objection might have been raised to it; but the fact was that the arrangement was of such a character that the shareholders of the Edinburgh and Glasgow Company were actually placed at the bottom of the list, and they would not receive a dividend until the claims of everybody else had been satisfied. He contended that this was a case of the greatest possible hardship, and that it was the duty of Parliament to appoint a Committee of Inquiry to report upon the whole circumstances of the matter. In his opinion a fraud had been perpetrated upon the shareholders of the Edinburgh and Glasgow by getting them to join such a concern as that of the North British. No doubt, had the Chairman and Directors of the Edinburgh and Glasgow Company had the slightest idea of the condition of the North British Company, no such amalgamation would ever have been permitted. No doubt the Chairman of Ways and Means had acted upon the representa-

tions which had been made to him in this matter; but really, at present, he had only heard an *ex parte* statement, and the dissenting shareholders of the Edinburgh and Glasgow had a right to be heard. It was on these grounds that he begged to move the Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to report as follows, viz.: Whether Shareholders holding stock or shares late of the Edinburgh and Glasgow Company, ordinary or preferential, ought to be heard against the alleged confiscation of their property if this Bill be allowed to pass; whether the Amalgamation of the Edinburgh and Glasgow Company with the North British Company in 1865 was procured by means of false accounts and representations; whether the property late of the Edinburgh and Glasgow Company, yielding income, will be absorbed by pre-preference shareholders under this Bill to the prejudice and exclusion of shareholders under the late Company; and that all further proceedings relating to this Bill be delayed until the Committee report,"—*(Mr. Hadfield.)*

—instead thereof.

MR. ELLICE said, the amalgamation of the Edinburgh and Glasgow Company with the North British Railway no doubt took place under circumstances which gave the Edinburgh and Glasgow Company very much the worst of the bargain. But both parties had agreed to that amalgamation, and they must abide by it. It was doubtless a case of diamond cut diamond, and the North British Company proved to be the hardest diamond of the two. Whatever the circumstances of that amalgamation were, however, they were not now before the House. The Bill they had before them was for the purpose of raising money upon pre-preference stock to enable the Company to pay off debts which actually at the present time had a preference over existing preference shares. The money when raised would go to satisfy the claims of creditors who, if they liked, could at the present moment step in and seize the plant, and thus put a stop to the operations of the railway altogether. He was himself a preference shareholder in the line, and he was one of those who had refused to give his consent one way or the other to the Bill, because he did not wish to fetter his action in Parliament. At the same time, looking at the case impartially, he was bound to say that he considered it would be for the interests of all parties concerned that this money should be raised,

in order to pay off debts which must be got rid of before the ordinary preference shareholders could receive one penny. And nothing, in his opinion, would be more calamitous to this railway than that the present Bill should be postponed. The Directors had no other means of satisfying the creditors of the Company, and unless these creditors were satisfied by means of the powers proposed in this Bill, the interests of preference and all other classes of shareholders would be thrown into insupportable confusion without the slightest prospect of coming out of it.

MR. DODSON said, this Bill, like the great North of Scotland Bill, which was discussed yesterday, was one of a very peculiar character. It related to the internal affairs of a company which had gained considerable notoriety—namely, the North British Company. Now the position of that company was briefly this:—In round numbers their ordinary stock was £4,200,000, and over that there were £9,000,000 preference shares, and £5,000,000 of debenture stock. It had, moreover, power to raise by preference stock a further sum of £2,600,000, and by mortgages £1,000,000; but in the state of the company's affairs these resources were hardly available. Over and above all that, according to a committee of investigation appointed by the shareholders, there appeared to be liabilities to the amount of £1,900,000, which was a first charge on the company. Now they had no means of meeting the payment of this £1,900,000, and therefore, under these circumstances of extreme difficulty, it was proposed to give them power to raise a sufficient sum of pre-preference stock to enable them to discharge this liability. As long as that sum of £1,900,000 was hanging over the company, it was quite clear they would have to pay interest on it, and they were liable to have their rolling stock and plant seized and swept away. Out of the existing preference shareholders, $78\frac{1}{2}$ per cent in amount had given their consent to this Bill, and only $3\frac{1}{2}$ in value were dissentients. The hon. Member for Sheffield had objected to the Bill on the ground of the treatment which the shareholders of the Edinburgh and Glasgow had received from the North British. The amalgamation between these two companies took place not long ago, and he thought it was very possible, as the hon. Gentleman had stated, that the North British got the

best of the bargain; but that was not a question involved in the Bill now before the House. The Edinburgh and Glasgow shareholders, when they were amalgamated with the North British, became preference shareholders of different kinds in that company, and they had accordingly been asked to give their consent to the present Bill, and it would be found that a very large majority in value of them did consent to it. Under these circumstances, the Committee on the Bill had to consider very carefully what was to be done; and, on the whole, they came to the conclusion that, there being a choice of difficulties, it would be best to adopt the course proposed by the present Bill—they therefore reported in its favour. Now, as regarded the shareholders of the Edinburgh and Glasgow Company, who complained that they had no means of being heard against this Bill, let him remind them that if those shareholders had any distinct and separate interest from the North British they might have opposed this Bill. He was told by the promoters of the Bill that the Edinburgh and Glasgow shareholders had such a distinct interest, yet they did not come forward and oppose it, and the Bill when upstairs was unopposed, and as such it had been dealt with. But all these shareholders would have an opportunity of being heard, because after it passed this House it had to go to the Wharfedale meeting, and the shareholders could there express their opinion of it. It had also to go to the House of Lords, where there was no Standing Order about separate interest. He quite admitted that this Bill was one of an unusual character, and he hoped that it was an exceptional one; but they believed they had done the best they could under the circumstances, and it now remained for the House to express its opinion.

MR. SAMUDA was in favour of an inquiry in this case, because he thought it had been proved the shareholders of the Edinburgh and Glasgow had suffered great hardship. He should also be in favour of a general inquiry into all cases of this nature.

MR. CRUM-EWING, having carefully considered the case, had arrived at the conclusion that it would be best for the interests of the Edinburgh and Glasgow shareholders, as well as those of the North British, that this Bill should be allowed to pass.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill *considered*; to be read the third time.

THE TROOPS IN NEW ZEALAND.

QUESTION.

CAPTAIN VIVIAN said, he would beg to ask the Secretary of State for War, Whether it is intended to confer a Medal or any other mark of distinction upon the Troops which took part in the wars in New Zealand in the years 1845, 1846, 1847, 1860, 1861, 1863, 1864, and 1865? He would also beg to inquire when the right hon. Gentleman proposes to bring on the Army Estimates?

SIR JOHN PAKINGTON: Sir, in answer to the first inquiry of the hon. and gallant Member, I have to state that the question of conferring medals on the troops which took part in the wars in New Zealand in the years referred to was carefully considered by the late Sir George Lewis and Lord Grey, in conjunction with the Commander-in-Chief, and it was decided by them that although the services of these troops were highly appreciated, and personal honours, including the Order of the Bath and promotion to officers and the Victoria Cross to soldiers, were largely distributed, yet the case was not one which would justify the issue of a medal. The matter, however, has not been brought under my own consideration, but I see no reason to doubt the correctness of their decision. As to the second Question, I am sorry to say that I am unable to state on what day I shall bring on the Army Estimates.

ARMY—ARTILLERY—ARMSTRONG GUNS AND CHILLED SHOT.—QUESTION.

MR. HENRY BAILLIE said, he would beg to ask the Secretary of State for War, Whether he will lay upon the table of the House the Correspondence which has taken place between the War Office, the Ordnance Select Committee, the Chief Superintendent of the Proof Department at Woolwich, and the Elswick Company, relative to the nine 64-pounder breech-loading Armstrong guns, which were rejected at proof, and which have been partly paid for by the Government; and, whether he will lay upon the table of the

House the Correspondence which has taken place between the War Office, the Ordnance Select Committee, Major Palliser, and Mr. Fraser, C.E., respecting chilled shot, including therein the written representation of the last-named gentleman, that the penetrative effects of cast-iron projectiles were due to the mixture of iron used and not to the chill, and also the Report of the trial of the four unchilled projectiles which Mr. Fraser was permitted to make?

SIR JOHN PAKINGTON: I have no objection, Sir, to produce the Correspondence referred to in the first part of the Question of the right hon. Member. With regard to the second part of his Question, I have no objection to lay upon the table the Report of the Ordnance Select Committee on the trial of chilled shot; but it is not usual to lay before Parliament Correspondence between the War Office and subordinate Officers of the Department.

METROPOLIS — UNIVERSITY OF LONDON.—QUESTION.

MR. J. GOLDSMID said, he wished to ask the First Commissioner of Works, Whether, considering that neither of the elevations for the new building of the University of London meets the approval of the Senate and Convocation of the University, he will give instructions for the preparation of a fresh design?

LORD JOHN MANNERS said, in reply, that as great progress had been made with the works since Easter, the adoption of any fresh design at the present time would necessitate an increased expenditure of several thousand pounds and a delay of several months. He could not therefore assume the responsibility of giving instructions for the preparation of a new design. The whole question would be raised the following evening on the Motion of the hon. Member for Southwark (Mr. Layard), and the House would then have an opportunity of discussing the whole subject.

ARMY—MEDICAL OFFICERS ON THE WEST COAST OF AFRICA.—QUESTION.

MR. O'REILLY said, he would beg to ask the Secretary of State for War, Whether Medical Officers who have volunteered for service on the West Coast of Africa before 1st April, 1867, preserve the advantage guaranteed to them by the "Medical Regulations of 1860," under

which they volunteered—namely, “every such year of service on the Coast to count as two years for promotion and retirement;” and, whether only such Officers as have volunteered, or may volunteer subsequent to the promulgation of the Warrant of 1867, come under the restrictions that “each year of such service shall be allowed to reckon towards promotion and retirement as two years of ordinary service, but it shall not so reckon towards increased pay or qualification for the rank of Surgeon Major?”

SIR JOHN PAKINGTON said, in reply, that medical officers who had volunteered for service on the West Coast of Africa before the 1st of April, 1867, would preserve the advantage guaranteed to them by the Medical Regulations of 1860, under which they volunteered—namely, “every year of service on the coast to count as two years for promotion and retirement.” All medical officers who volunteered to go to Africa came under the restrictions that “each year of such service shall be allowed to reckon towards promotion and retirement as two years of ordinary service, but it shall not so reckon towards increased pay or qualification for the rank of Surgeon Major.”

CATTLE PLAGUE IN THE METROPOLIS.

QUESTION.

SIR WILLIAM BAGGE said, he wished to ask the Vice President of the Council, Whether, in consequence of the recent outbreaks of Cattle Plague in the Metropolitan Dairies, the Government will revoke the licence for the removal of foreign cattle from the ports of Harwich, London, and Southampton, to the Metropolitan Market, and order all such cattle to be slaughtered at the place at which they are landed?

LORD ROBERT MONTAGU replied that to revoke the licence would be a very extreme measure, and if suddenly resorted to would cause a great disturbance of trade. An Order in Council was, however, passed the day before yesterday which went more than half-way to such a measure. After the 18th of June all imported cattle must on landing be placed in quarantine for twelve hours, so that the officers should have full opportunity of ascertaining whether the animals had the cattle plague or not. If they were found to be healthy they might be sent to London by railway and immediately slaughtered there. Of course, after the 18th of June, cattle could not be landed except at ports where

there was sufficient accommodation for the quarantine as well as convenient slaughter-houses.

COLONEL W. STUART said, he wished to ask whether, considering the disease took eight days to develop itself, twelve hours was a sufficient quarantine?

LORD ROBERT MONTAGU said, he believed the disease took eight days to “incubate” as it was called. The inspectors, however, asserted that after a transit of some days and a voyage, if the cattle had twelve hours’ rest, it could be ascertained with almost absolute certainty whether they were suffering from cattle plague or not.

MR. REBOW said, he wished to ask the noble Lord whether, at the ports of landing, places for quarantine were provided. He knew that it was not the case at Harwich?

LORD ROBERT MONTAGU said, he believed the Privy Council had no power to compel a port to find ground for quarantine or slaughter; but at all the ports, except London, Harwich and Southampton, cattle must be slaughtered upon their arrival.

COLONEL GILPIN said, he wished to ask whether it was consistent that cattle imported from foreign countries should only perform a quarantine of twelve hours, while no man in the country could remove cattle without a twenty-eight days’ licence, and without giving proof that there had been no disease in his place for two or three months.

LORD ROBERT MONTAGU said, that no cattle were allowed to be imported from infected ports, and pointed out that there was a great deal of difference between allowing English farmers to move cattle for store purposes and grazing, and allowing foreign cattle to be removed from a port to London by railway only, and for immediate slaughter.

YELLOW FEVER IN THE MAURITIUS.

QUESTION.

MR. J. A. SMITH said, he wished to ask the Under Secretary of State for the Colonies, Whether the Statement which has appeared in several of the papers in reference to the outbreak of yellow fever in the Mauritius is well founded; and, if so, whether the unusual rate of mortality reported has occurred; and, whether any steps have been taken to draw the attention of the Government to the possible extension of the disease to India?

Mr. O'Reilly

MR. ADDERLEY, in reply, said, that no despatches had been received on the subject. The information referred to had been brought by private letter by the French mail, and official despatches were expected every hour. He was afraid that the information was too true. He had received an extract from a private letter fully corroborating what appeared in the papers. It appeared that the mortality had been very great—250 a day in Port Louis alone—and up to the 17th of April 13,000 had died. Such a thing had never occurred before. Yellow fever had never broken out East of the Cape of Good Hope until now. A mortality of 13,000 in a population of 300,000 was certainly very alarming. The last information received was to the effect that the weather had changed, the disease was on the decrease, and every means had been taken to mitigate it. The troops had been moved to an out-station, and among them there had been very little mortality. The despatches, which were hourly expected, would doubtless bring more detailed information. As to the second part of the Question, he would refer the hon. Member to his (Mr. Adderley's) right hon. Friend the Secretary of State for India.

SIR STAFFORD NORTHCOTE said, that no information on the subject had been received at the India Office, but attention having been called to the matter, he had telegraphed to the Governors of Madras, Bombay, and Bengal, directing that all necessary precautions should be taken; and he was sure that measures would be adopted for enforcing quarantine and preventing the introduction of the disease into India.

METROPOLIS—VICTORIA PARK.

QUESTION.

VISCOUNT ENFIELD said, he wished to ask the First Commissioner of Works, Whether he is aware that a portion of the 290 acres, which form the area of Victoria Park, has been devoted to building purposes; whether the Board of Works have power to grant or refuse permission for such objects; and, if so, whether the buildings in question are being constructed with the knowledge and consent of the said Board of Works?

LORD JOHN MANNERS said, in reply, that the area of the Park was not 290 acres, but 265 acres. Of that, by the Act of the 4 & 5 *Vict.*, which created the Park,

one-fourth, or sixty-six acres, was set apart for building purposes, in order that the country might to a certain extent be recouped the expense incurred in the formation of the Park. By the Act of 1851 the portion devoted to building purposes was reduced to one-sixth, or forty-five acres; and upon this forty-five acres he understood that from time to time suitable buildings were being erected. These forty-five acres were vested in the Office of Woods, and he had no control over nor official knowledge of them; but the system adopted in respect to this Park had been adopted in the case of other Parks laid out by the Government and by the Metropolitan Board of Works.

ENDOWED SCHOOLS COMMISSION.

QUESTION.

SIR EDMUND LACON said, he wished to ask the Vice President of the Committee of Council on Education, When the Royal Commissioners appointed two years ago to investigate the Endowed Schools throughout the country are likely to make their Report?

LORD ROBERT MONTAGU: All Royal Commissions are under the Department of the Home Office. The question, therefore, should be addressed to the Home Secretary. However, I have ascertained that the Royal Commissioners hope to make their Report before the close of the present Session. If they fail to do so, they will send in their Report before the end of the present year.

ARMY—VOLUNTEER CORPS CAPITATION MONEY.—QUESTION.

MR. FINLAY said, he would beg to ask the Secretary of State for War, Whether he is aware that several Volunteer Corps have not yet received any part of the capitation money voted to them by the House for the years 1866 and 1865, and only a portion of the money voted for the year 1864; and, whether he can state the cause of the delay, and when these Corps may expect to receive the sums due to them?

SIR JOHN PAKINGTON said, he was happy to say he had reason to believe that the hon. Member had been led into error. He (Sir John Pakington) was informed that all the money due for 1864 had been paid. Of that for 1865 a balance of £200 remained to be paid to-morrow. No part of the money for 1866 had been

paid; but from the information which he had received it appeared that this was solely owing to the fact that the money had not been applied for in the usual form.

CATTLE PLAGUE—IMPORTATION OF CATTLE INTO LONDON.

QUESTION.

COLONEL BARTELOT said, he wished to ask the Vice President of the Council of Education, Whether he is aware that the Orders in Council are evaded with regard to imported cattle and sheep to the Metropolitan Market; that imported cattle and sheep are sent to places in the neighbourhood of London, and then sent by road into the country; and even last week a large quantity of Merino sheep were sent by road to Brighton?

LORD ROBERT MONTAGU: Complaints have been at various times addressed to the Privy Council on this subject, and, upon investigation, most of them have been found to be without foundation. However, as a precaution, we sent two Inspectors and two private individuals to watch the boundaries of those places where it was thought the most likely that the law would be broken. Sir Richard Mayne was also communicated with, and he has given strict directions to the police to keep a watch upon the boundaries. As yet we have learnt only of three cases that justify suspicion; and in all direct evidence is being collected, in order that, if it be advisable, the persons implicated may be brought to justice.

ARMY—MR. WHITWORTH'S ORDNANCE.

QUESTION.

THE MARQUESS OF HARTINGTON said, he would beg to ask the Secretary of State for War, Whether any of Mr. Whitworth's 7-inch or larger guns have been ordered for the service; whether any of the service guns have been or are to be rifled on Mr. Whitworth's principle; and, whether it is his intention to take any other steps with the object of giving a practical trial to Mr. Whitworth's system of ordnance?

SIR JOHN PAKINGTON: Sir, two 9-inch and one 7-inch Whitworth guns have been ordered, but the two 9-inch guns have not yet arrived. Four 8-inch guns have been rifled upon Whitworth's principle, but they have not yet arrived. Be-

Sir John Pakington

fore I answer the other Question, perhaps the House will allow me to read a few sentences from a letter I received this morning at the War Office from the Board of Admiralty; it is signed by the Secretary, and written by direction of the Board, and it says—

“The Captain of the *Excellent* having made a further report upon the Whitworth 7-inch gun, after a second trial, I am directed by the Lords Commissioners of the Admiralty to transmit and lay before the Secretary of State for War a Copy of that Report, with the remarks of the Director General of Naval Ordnance. My Lords desire the attention of Sir John Pakington to be called to the position in which this department is placed. My Lords consider that from the Reports upon the gun now received it is clear that the gun is inferior to the present service gun, and is not suited for Her Majesty's Naval Service, and they could not recommend its being placed in any one of Her Majesty's Ships.”

The noble Lord will not be surprised that my answer to the latter part of the Question is that we have not at present any intention to order more guns to be rifled on Mr. Whitworth's plan. If he wishes, I shall be happy to lay the letter and Report on the table.

PARLIAMENTARY REFORM— REPRESENTATION OF THE PEOPLE BILL—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 28.]

Bill considered in Committee.

(In the Committee.)

Clause 8 (Disfranchisement of certain Boroughs).

THE CHANCELLOR OF THE EXCHEQUER said, he proposed to postpone this clause, in order that he might place an amended clause on the table reciting the causes of the policy which the Government recommended with regard to those boroughs.

Motion made, and Question proposed, “That the Clause be postponed.”—(*Mr. Chancellor of the Exchequer.*)

SIR GEORGE GREY asked when the right hon. Gentleman expected that this clause would come on—because he understood that it would not be possible to take it if postponed until all the other clauses of the Bill had been disposed of.

THE CHANCELLOR OF THE EXCHEQUER said, that they had postponed

clauses, and since proceeded with them, in this very Committee.

THE CHAIRMAN said, that if a clause were postponed, it was postponed till the end of the Bill. What had been done the other night was to postpone all clauses before Clauses 34 and 35, in order that they might deal with those two clauses; and then, in order to revert to Clause 5, all the subsequent clauses were in turn postponed.

COLONEL WILSON PATTEN said, it was desirable to know the exact time at which the clause would come on.

MR. BOUVERIE said, he believed that the ordinary practice in such a case as the present was to negative the clause for which you wished to substitute another; and the new clause could only be proceeded with after the other clauses in the Bill had been disposed of.

MR. AYRTON thought that in so simple a matter the recital might be laid before the Committee at once. The only recital necessary was that the Commissioners had found that corrupt practices extensively prevailed in those places—naming them. As the House had met for the very purpose of discussing the clause, it was most desirable that there should be no postponement, especially as the clause had given rise to a great deal of “lobbying,” and you could not go into the precincts of the House without somebody taking you by the arm and asking you whether you did not sympathize with one of these corrupt places, and whether you could not squeeze your conscience in its favour. It was very desirable that hon. Members should be delivered from this state of things.

MR. LIDDELL reminded the Committee that it was not possible to proceed with the consideration of the re-distribution of seats until they had come to a decision upon this clause.

MR. BRIGHT said, he was sorry to disagree with the hon. and learned Member for the Tower Hamlets (Mr. Ayrton), who appeared to have no proper estimate of the value of the franchise for which he had lately been voting so enthusiastically, or of the value of representation to those boroughs. He took it that this was one of the most important constitutional questions which could be brought before Parliament. The hon. Gentlemen opposite had been on all occasions most strenuous in their desire to prevent the improper disfranchisement of any borough; and early in the

Session, and other times, he (Mr. Bright) objected to the disfranchisement of these boroughs wholesale, and pointed out to the Chancellor of the Exchequer that such a thing had never before been heard of, as boroughs being disfranchised by a Bill which had no special reference to their case, and which contained no recital of the causes which had led to that policy. Twenty or fifty years hence two large and two small boroughs would be stated to have been disfranchised, and nothing would be found in the records of Parliament to show why. He gathered from what had fallen from the Chancellor of the Exchequer that he was going to introduce a recital and alter the clause itself, probably not taking both Members from such of those places as returned two Members. He wished now to make what he thought was a very sensible suggestion, though he did not on that ground expect it would receive universal support. It being very desirable in his opinion that the registration under the new Bill should be completed within the present year, he thought it would be a wise thing if the Bill could be divided into two. [“Oh, oh!”] He did not expect that this suggestion would be received, but he thought it his duty to make it. The franchise portion of the Bill might then go forward to the other House, where he hoped it might receive as kind attention as it had received here. The registration could then be completed at the usual period this year. Then, during the next month, they could proceed deliberately—because there had not been much deliberation lately—with this question of the distribution of seats. He must urge upon hon. Gentlemen that this was a very important matter; and that if it were disposed of in a slovenly, hasty, and insufficient manner, Motions would be made in the very next Parliament for the disfranchisement of more small boroughs, with a view to transfer their Members to large boroughs and populous counties. Now, he wished to avoid re-opening this question, at least for some time to come; and he therefore hoped that the Chancellor of the Exchequer—who had been growing stronger and more resolute as the Session had advanced, and who had found his followers ready to co-operate in the passing of a useful measure of Reform—would be able to extend his scheme of re-distribution, and make it more acceptable to that side of the House. There were many Members on the opposite side of the House who had no affection for those

small boroughs, and who wished to see the larger constituencies, both in boroughs and counties, provided with a larger representation. The House knew that the suggestion which he had made with respect to this part of the Bill was in accordance with the views he had expressed last year, and also at an earlier period of this Session. With respect to Clause 8, he protested against the doctrine of the hon. and learned Member for the Tower Hamlets. The clause was one of the greatest importance, and ought not to be proceeded with precipitately. If the right hon. Gentleman the Chancellor of the Exchequer had a new view with regard to it, he ought to take his time before asking the Committee to decide upon it.

SIR GEORGE GREY said, that hon. Members had come down to the House fully expecting that the clause would be discussed, not the slightest intimation having been given that it would be postponed. His wish was to support the Government in the course they proposed; but he thought it would have been better if this clause had been made the subject of a separate Bill. In all previous cases of disfranchisement the grounds of proceeding had been clearly stated in the preamble of a Bill, and if that course were not now followed it would have the aspect of an arbitrary disfranchisement for the purpose of obtaining certain seats with a view to their re-distribution. He did not understand the right hon. Gentleman the Chancellor of the Exchequer, as the hon. Member for Birmingham understood him, to say that he contemplated any alteration in the enacting part of the clause, but merely that he wished to explain the policy of the Government in proposing it, which would be done by a preamble such as would be found in all disfranchising Acts, and this need not lead to a postponement of the clause. If the Chancellor of the Exchequer intended to alter the substance of the clause, he agreed with the right hon. Member for Kilmarnock (Mr. Bouverie) that the proper course would be to negative this clause, and to bring up a new one; but before deciding on the course to be taken the Committee ought to know the intention of the Government, and whether they intended to propose any substantial alteration in it.

THE CHANCELLOR OF THE EXCHEQUER said, the clause was one of some length, and it was customary where al-

Mr. Bright

terations were proposed in such cases to have the amended clause re-printed, and he had therefore proposed its postponement. But he would read the Preamble, and did not imagine there would be any objection to it. He proposed to insert at page 4, line 23, the following words:—

“Whereas, upon representations made to Her Majesty in joint Addresses of both Houses of Parliament, to the effect that the Select Committees of the House of Commons appointed to try the Petitions complaining of undue Elections and Returns for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster had reason to believe that corrupt practices had extensively prevailed at the last Elections for the said Boroughs, Commissioners were appointed for the purpose of making inquiry into the existence of such corrupt practices, in pursuance of the Act of Parliament passed in the sixteenth year of the reign of Her present Majesty, chapter fifty-seven, intituled, ‘An Act to provide for the more effectual Inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament;’ and whereas the Commissioners so appointed reported to Her Majesty as follow:—

- (1.) As respects the said Borough of Totnes, that at every Election for the said Borough, since and including the Election in the year one thousand eight hundred and fifty-seven, corrupt practices had extensively prevailed;
- (2.) As respects the said Borough of Reigate, that bribery and treating had prevailed at the Election in the year one thousand eight hundred and fifty-nine, and had extensively prevailed at the two Elections in the year one thousand eight hundred and fifty-eight, and at the Elections in the years one thousand eight hundred and sixty-three and one thousand eight hundred and sixty-five;
- (3.) As respects the Borough of Great Yarmouth, that corrupt and illegal practices had extensively prevailed at the Elections in the years one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty-five;
- (4.) As respects the said Borough of Lancaster, that corrupt practices had extensively prevailed at the Election in the year one thousand eight hundred and sixty-five, and with some exceptions had for a long time prevailed at contested Elections for Members to serve in Parliament for that Borough:

Be it Enacted, That,—

With regard to the Amendments which had been placed on the Paper, with regard to the boroughs of Yarmouth and Lancaster, he should reserve his opinion upon them until they were brought forward.

Motion, That the clause be postponed, *withdrawn*.

THE CHAIRMAN, having read the Preamble as above, put the Question, “That those words be there inserted.”

MR. NEWDEGATE said, he had in vain endeavoured to catch the eye of the Chairman before the Question was put.

He was very glad that the right hon. Gentleman the Chancellor of the Exchequer had proposed the insertion of the preamble which had now been submitted to the Committee, it being in perfect accordance with the decision of the House last year that the Reform Bill should contain some provision for the prevention of corrupt practices at elections. That decision he was confident the House intended to maintain. The introduction of the preamble, however, had changed the position of those who, like himself, had given notice of certain Amendments. He had given notice of his intention to move that other boroughs should be included in the operation of the clause; but now he could not do so, because he could not say that those boroughs ought to be disfranchised on account of corruption. He trusted the Government would persevere with that part of the Bill, and not adopt the suggestion of the hon. Member for Birmingham to separate the franchise from the re-distribution of seats, because the question of re-distribution had become of greater importance since the House had adopted so large an extension of the franchise.

MR. BAXTER, who had given notice of an Amendment that Lancaster and Great Yarmouth should be deprived of one Member only, thought it desirable that the House should have an opportunity of showing its reprobation of the corrupt practices which had prevailed in the boroughs which had been mentioned. But it should be recollected that Great Yarmouth and Lancaster were places of considerable size, the former borough having a population of 34,000 persons, and the latter a population of 16,000 persons. The number of electors in Yarmouth was 1,650, and the number in Lancaster was 1,463. If the question had been the disfranchisement of these places on account of bribery he should not have said a word in their favour. But it should be recollected that the House was about to create a new constituency, and it would be unjust to deprive a large number of householders of a vote when it was proposed to give the same class of persons votes in other places. He should be glad if the Government would accede to his proposition that the boroughs of Great Yarmouth and Lancaster should retain one Member each. ["Order!"]

SIR GEORGE BOWYER said, the proposition of the hon. Member (Mr. Baxter) was not in order, because the Question

was not what should be done with respect to Yarmouth and Lancaster, but the insertion of the words proposed by the Chancellor of the Exchequer. He (Sir George Bowyer) regarded the proposed recital as raising the whole question of the disfranchisement of these boroughs, and therefore opposed it. He opposed it on general constitutional grounds. He looked upon the clause as in the nature of a Bill of pains and penalties, and believed that no precedent could be found for including such a proposal in a measure having a general and entirely different object. It was an act of injustice to punish the whole of a borough when only a portion of the electors had been guilty of corrupt practices; but in this case they would not only punish the innocent and the guilty, but the whole town or city, which consisted of a community of perpetual successions with certain rights and obligations transmitted from one generation to another. In the same manner, the future inhabitants of these places would share the same punishment, though they would, no doubt, at a future time ask for the restoration of their privileges, and would urge the injustice of suffering for the sins of a former generation. Eminent jurists had held that a body corporate could not be punished for the delinquencies of individual members, and that principle clearly applied to the present case. It should also be borne in mind that the Bill would create a new constituency in these places, and at Lancaster would create 800 new voters. It could not be just to punish so large a number of persons who at present, whatever might be the case hereafter, had never been guilty of bribery.

SIR RAINALD KNIGHTLEY observed, that the hon. Member for Birmingham seemed to anticipate that some alteration would be made in the clause by the Chancellor of the Exchequer, and that observation confirmed a rumour which he himself had heard, that only one Member was to be taken from Yarmouth and one from Lancaster. That was a proposition against which he entered his earnest and energetic protest. He had had the misfortune of serving on the Great Yarmouth Election Committee last Session, and must say that his opinion, and that of the whole of the Committee, was that gross, glaring, and flagrant bribery had taken place, not only at the last, but at many previous elections, and they were convinced that if a

new Writ was issued and another election was to take place no candidate would have the smallest chance of being returned who did not resort to bribery. The hon. and learned Baronet (Sir George Bowyer) had talked about the great hardship of disfranchising these boroughs, but the inhabitants would only be placed in the same position as the inhabitants of other towns in the counties; for in the case of Lancaster they would be represented by the Member for the county, and in the case of Yarmouth they would be represented by his hon. Friend the Member for East Norfolk. He thought these two hon. Gentlemen were sincerely to be condoled with on this unwelcome addition to their constituencies. These boroughs would be merely deprived of a privilege they had flagrantly abused, and if they were allowed to retain that privilege he could only say that all legislation against bribery had been a farce.

MR. HOWES declared his perfect willingness to receive Yarmouth as an addition to his constituency. He rose, however, to protest against the statement which had just fallen from the hon. Baronet with respect to the impression produced on the minds of the Committee by the evidence which came before them. The expressions of the hon. Baronet are not justified by the evidence given before the Committee; and believing that the disfranchisement of Yarmouth would be a great injustice, he intended, whenever the Committee thought it most convenient, to move the Amendment of which he had given notice.

THE CHAIRMAN: Does the hon. Gentleman move to omit the word "Yarmouth" from the clause?

MR. HOWES said, he would postpone his Motion until that part of the clause came regularly before the Committee.

MR. GLADSTONE: I think my hon. and learned Friend the Member for Dundalk (Sir George Bowyer) is right in the observation that the principle of the clause is raised by the Motion of the Chancellor of the Exchequer; and not only as to the clause in general, but as to each town severally, for each town severally is named in the preamble which the right hon. Gentleman most properly proposes; and although it may be that that preamble would be satisfied by enacting a portion of the clause, and stopping short of absolute disfranchisement, yet it certainly implies that something in the nature of a penalty is to be inflicted. The question of the clause,

Sir Rainald Knightley

therefore, is fairly raised; and that being so, I think the arguments made by the hon. and learned Member for Dundalk are inadequate to sustain the conclusion at which he wishes us to arrive. My hon. Friend says this is to be considered as a Bill of pains and penalties. No doubt, inasmuch as it excludes from the exercise of a public trust persons who have hitherto been in possession of it, it is capable of being so stated; but I contend that it would be taking a very false view of the subject if this House were to consider that that is the principal aspect in which it is to be regarded. What we have to provide for is the pure and efficient exercise of the franchise, and we are bound to take the measures necessary to effect that object; and if it so happens that in the honest and deliberate adoption of those measures we inflict inconvenience upon any one, that may be a misfortune which we regret, but it is not to stand between us and our principal duty—that of providing for the purity of elections. My hon. Friend says that any Bill of pains and penalties of this character has always been treated by itself. I admit that in cases where particular boroughs have been found guilty of gross corruption the Government of the day have not waited to inflict the penalty until the occasion of a Reform Bill—and very strange indeed would have been their course if they had done so. But when a case arose, they dealt with it. And what happens now? The case of these four towns arises at the very moment when Parliament has a Reform Bill before it—and therefore, though I do not say it proves that the subject ought to be dealt with in this Bill, still the force of the precedents against it is very small, because the occasion of dealing with these boroughs in connection with the general subject of Reform did not arise at those periods to which the hon. Gentleman referred. But when my hon. Friend says that this is a Bill of pains and penalties, and that such Bills have always been treated separately, I reply that this is no more a Bill of pains and penalties to disfranchise one of these towns than it was to disfranchise any one of the small boroughs which appear in Schedule A of the Reform Act. I do not say that those towns were of the same importance; but we are arguing a question of principle. The hon. Member says we are about to inflict a great wrong on the new voters; and again I say, the interests of the new voters and the in-

terests of the old voters must be held as secondary to the public and national interests. A great deal too much has been said about these new voters. It is implied, and not only implied in the argument but taken for granted by many who argue, that these new voters would purify the old ones. I remember my right hon. Friend the Member for Calne (Mr. Lowe) said last year, in reply to some supposed argument of this kind, "You seem to think that health is contagious as well as disease;" and my hon. Friend thinks that the disease of these old voters would be neutralized and their bad moral habits reformed by the introduction of new voters. I am very sorry that the capital town of the county a portion of which I have the honour in part to represent is one of the towns embraced by the enactments of this clause; but notwithstanding that, I cannot hesitate on that account. I am sorry also to point out, in the face of my noble Friend near me (the Marquess of Hartington) and the hon. and gallant Gentleman opposite (Colonel Wilson Patten), that the position of Lancaster is not an enviable one. I have no doubt it will have its champions, and Yarmouth also. That is quite right under the circumstances, and we cannot regret it. I admit that every town in its position ought to have its advocates who take a warm and highly coloured view on its behalf in order that we may be assured that everything that can be said in its favour may be said in the best possible manner. But I have taken the figures from the Reports of the Commissioners to see how these towns stand as regards the proportion of pure and impure voters in each constituency, and they are rather curious. In Totnes the total number of voters on the register was 421, of whom there were 158 bribers and bribed, or 38 per cent. In Reigate there were 912 on the register, 346 of whom were bribers or bribed, or 38 per cent again. In Yarmouth there were 1,647 on the register, of whom 528, or a little less than 32 per cent, were bribers or bribed. We must bear in mind that this is not the first time that Yarmouth has appeared before us, and that it had so unenviable a distinction on a former occasion that this House was compelled to come down with a measure of disfranchisement for the freemen; and that class of voters, as we very well know, contributes largely to the category of guilt on occasions like this. Lastly, we come to Lancaster, where there are 1,498 on the

register, of whom 916 were either corruptors or corrupted, or 64 per cent. That is not a satisfactory exhibition; but it is only fair and just to the ordinary inhabitants of Lancaster to say that the proportion of the corrupt is exceedingly different among the householders and the freemen. Of the 916 persons who have been corrupt no less than 708 are freemen, and only 208 are householders; in fact, 708 freemen have been corrupt out of 980, whereas 208 householders have been corrupt out of 439, giving nearly three-fourths of the freemen, but much less than one-half of the householders. That peculiarity in the construction of the constituency explains in a great degree the position which Lancaster holds on this occasion. I confess I am not able to agree with my hon. Friend the Member for Birmingham (Mr. Bright) in his desire, and indeed I am not quite able to embrace the opinion of my right hon. Friend (Sir George Grey), who wishes this matter to be dealt with in a separate Bill. The right hon. Member for Oxfordshire (Mr. Henley), speaking of the compound-householder, said that the spirit of Mammon was strong, and that if you separated the question of dealing with the peculiarities of compounding from the Reform Bill you would find it difficult to deal with it as a separate subject. I think there can be no doubt that that would be the case if the Government were to consent to exclude this clause from the Reform Bill, and deal separately with these towns. In cases of this kind the tendency generally is to push a good principle to excess—that is to say, in our regard for the sacredness of private rights, which is the foundation of law and order, we are sometimes apt to follow the mere phantoms and *simulacra* of right, which we are ready to fall down and worship if they correspond substantially with that definition. Sometimes a real public right is thus sacrificed to an imaginary private right. I think we ought not to get into this position; and I cannot agree with the hon. Member for Birmingham if he thinks we are unfit to deal fairly and impartially with this subject on this occasion. The number of seats which are to be obtained from these boroughs is not so large as to blind our view with regard to the general question of re-distribution of seats. Whether this clause be inserted or not, I shall feel it my duty to vote for the Motion of the hon. Member for the Wick Burghs (Mr. Laing), which I hope

[Committee—Clause 8.]

the Government will accede to, or some such Motion with regard to the re-distribution of seats. I support the clause of the Chancellor of the Exchequer upon this principle—I think that local communities must in cases of this kind be held responsible for the acts of large portions of their Members; and that general proposition becomes infinitely strengthened when we recollect that in all those cases, besides the number of individuals against whom corruption is proved, there is a further percentage whose corruption you fail to prove; and, besides these, there are others who wink at, and laugh at, and make light of bribery, who connive at it, and by conniving participate in it; and, in point of fact, with regard to the rest of the constituency, on whose behalf the boast of innocence is made, though you find many honourable and upright men, perfectly clean-handed and indignant at the state of things which exists, yet the proportion of innocent persons is not so large as we might be disposed to think. The question involved is a very serious one indeed, and as to the question of bribery, above all others it is one in which we are apt to beat about the bush. It is easy to make speeches in favour of severe laws about bribery—nothing is more easy than to pass severe laws—even severer than those which now exist—against those who take bribes, and nothing is more delightful to an excited audience than to hear the denunciation of those who give bribes. But how do these severe laws work? By the time you have gone through the whole of your investigation in nine cases out of ten you fail in proving anything at all; and when you come to deal with the tenth the sentiment of merciful consideration towards the individual becomes so overpoweringly strong that there is a reluctance to punish him, while it is notorious that many others just as bad have escaped through their more artful management and larger experience in evil. Thus all these penal enactments—though I will not say they ought not to exist—are almost wholly nugatory. Bribery grows and flourishes notwithstanding that they remain on the statute book; and it would be idle and ludicrous, if we purpose to extinguish bribery, if we proceed only upon penal acts against individuals in their individual capacity. I admit that dealing severely with local communities is open to one objection—that severe punishment administered against local communities in

consequence of evidence obtained largely, as this has been obtained, from these communities themselves, may check the disposition in future to give such evidence. I do not deny that. But, on the other hand, that evidence is reduced to total and absolute inutility on that account, if after having made an investigation at the public charge, and establishing the existence of corrupt practices, we were to say, “We will not act on these facts so established for fear we should render it difficult to obtain evidence in future.” I believe the punishment of communities is likely to be an effectual check upon bribery. You will create a public opinion in the local communities adverse to bribery if they know that you are determined to deal stringently with these cases when they come before you. It is to the action of public opinion adverse to bribery—the energetic exercise of influence and exhibition of example by the principal persons in those communities—to which we must chiefly look for its discouragement. I would not for a moment defend the man whose ambition to obtain a seat in Parliament has unfortunately led him to taint himself with these practices; but how does this arise? It is not because these candidates have such an avidity for expenditure that they are determined to force bribery on these communities, it is that they reluctantly—guiltily it may be, culpably I admit, but at all events reluctantly—give way, misled by the desirability or brilliancy of the end they have in view, and fall into the operation of the system which is ingrained in these communities, and is mixed up with their local habits and practices for a long period. It is there that the root of the evil lies, and it is there you must attempt the work of purification by great severity if you intend to make any serious effort at reform upon the subject. I confess I am most anxious either that the clause in its present form, or some clause not far short of it—perfectly unmistakable and highly stringent in the character of its penalties—should be passed for the purpose of bringing this about. I am prepared to say that I do not wish to draw distinctions between large communities and small ones. They may be great or they may be small; but permit me to say the larger communities are at present without the check which does operate to some extent upon the smaller communities. The small communities know that if they are caught they will be disfran-

chised. Where is the man who will stand up for Totnes? I am not aware that any one can be found to do it. But in the larger communities there is a latent sense of their own influence and importance which I am afraid tends to weaken the operation of checks which ought to check bribery, and consequently I think we must be prepared to deal with large communities pretty nearly on the same principle as with the small ones—subject only to one exception, which I grant produces some amount of distinction, that if a community which has no title whatever to be represented except the fact of the *status quo*—except the fact of possessing the right of representation already—thinks fit to abuse that right, there is no argument whatever remaining to be made in such case. Reference has been made by the hon. Baronet (Sir Rainald Knightley) to the supposed intention of Her Majesty's Government on this subject, and I cannot help saying one word upon that. From the time when this matter was first mentioned in this House I have endeavoured to do what little I could to encourage Her Majesty's Government to proceed freely and stringently in this matter. I have not the least doubt that a pretty strong pressure has been brought to bear upon them in the opposite direction. What course they may ultimately determine to pursue I do not presume to say, and I have no means of knowing; but I do hope that they will adhere to the stringent measures they have proposed. If there be a disposition to adopt the plan proposed by the hon. Member for Montrose (Mr. Baxter), I must say, though with great reluctance and regret, that I dissent from it. So far as I can judge, I cannot conceive a worse manner of dealing with a corrupt borough which possesses a double representation, than by taking away one only of its seats. Supposing you relent—supposing that capital punishment be the proper thing, but that when the moment arrives to let fall the blow you relent—I will assume that for a moment for the sake of argument—still, is it not perfectly clear that there is one thing which you ought to do, and that is to break the habit of bribery in the place? Whatever punishment you think fit to inflict, let it be a punishment which shall put a stop to bribery in that place. You may do it by disfranchisement, or by disfranchisement for a term of years; but it is absurd to say to the corrupt town, "You have been taking bribes from two Members for years, and that has become

so intolerable that we can bear it no longer, but we have no objection to your taking bribes from one Member." It is absurd to pronounce such a judicial retribution upon these towns after all your solemn deliberations. I make great allowance for the kind of pressure that will be exerted in cases of this kind; but still I hope we shall not be led into a course which could only tend to stultify ourselves and to dissatisfy the country. If one Member were left to each of these boroughs I believe that would only tend to make them more corrupt than ever; because in places subjected as they all are, unfortunately, to election contests, where there are two Members there is a chance of two opposite parties coming together, and the leaders may be content to divide the spoils without going to the issue of a contest; but to say to any place where the habit of bribery exists, "You shall only have one man for the future," is to my mind the next thing to an absolute enactment that bribery shall not be discontinued there. I hope the House will bear in mind this consideration, and give the right hon. Gentleman opposite and the Government very great credit for the decided course they have adopted so far as this proposal is concerned; and I hope the Committee will resolutely support them, and that the Government will show themselves worthy of the proposals they have made.

Mr. HENRY BAILLIE said, he agreed with the right hon. Gentleman who had just spoken in his observations on the proposal of the hon. Member for Montrose (Mr. Baxter). But he must confess that he also concurred in the remarks of the hon. and learned Member for Dundalk (Sir George Bowyer); and, inasmuch as they were not living under the Mosaic dispensation, he thought they ought not to punish the children of the present generation of voters for the sins of their fathers. No doubt, corrupt election ought to be punished; but the question was in what manner that should be done. He could not help thinking that instead of disfranchising these boroughs for ever, it would be a much more just proceeding to suspend their representation for, say ten, fifteen, or twenty years. That would be a punishment to the existing generation; and, he asked, what right had they to punish the generations who were to come? There was another reason why, as regarded Lancaster at least, the course he suggested would be a much greater punishment than that pro-

posed by the Government; for while the Government proposed to disfranchise the electors of that borough it intended to convert the greater portion of them into county voters.

MR. LOWE: I wish the hon. Member for East Norfolk (Mr. Howes) had made the discussion a little more regular by moving to strike out the borough of Yarmouth from the preamble of this clause, for it is quite impossible that we should go on in this way, and pass the preamble, which recites the name of the borough of Yarmouth, and then strike that name out when we come to the enacting part of the clause. It seems to me—though I do not wish to poach on the hon. Gentleman's manor—he would do well to raise the question on the preamble by some Motion of that kind. And now I wish for a moment to draw the attention of the Committee to a consideration which, I think, has not yet been brought before them—at any rate, not in a prominent manner. The case of Yarmouth is a simple one. There are about 1,650 electors there, and rather less than one-third of them have been proved before a Royal Commission to have been guilty of corrupt practices, either as givers or as receivers of bribes. There is evidence to show that two-thirds of those electors were pretty clear, and that one-third were guilty. If the state of the case were the same now as it was when these offences were committed, when this Commission reported, and when the Government first gave notice of this Motion, I should have no difficulty whatever in voting for the total disfranchisement of the borough. But the case does not now stand in quite the same position. Since that time we have undergone a revolution—a noiseless and a bloodless revolution—but not the less a revolution. We have changed, not only the figure of the franchise, but we have virtually—as will be found to be the case whenever we come to deal with the matter again—changed the principle on which the franchise is conferred. The principle on which it was conferred used to be, as I take it, that it was a privilege, or trust, or agency, deputed to certain places which were deemed fitted to exercise it for the general good. The principle on which the franchise is now conferred is obviously, phrase it how you will, the recognition at least in boroughs—and, I have no doubt, soon to be extended to counties—of a right of every citizen who has a settled residence, or even

if he has not a settled residence, to be represented in Parliament. You cannot make this enormous change and go on as if you had not made it. I submit to the Committee that they must look at the matter from that point of view, and that they must consider how the principle they are now going to apply to Great Yarmouth can be applied for the future in this country generally. There are some Members present who, being acquainted with the borough, can give the Committee that local information which I am unable to furnish; but I have found as a general rule that if you divide the gross population of a borough by the number seven you will arrive at something not very far from what the constituency under this Bill is likely to be. Applying that rule, the constituency of Great Yarmouth, which at present amounts to 1,650, would amount under this movement to something like 4,500 new voters. Now, my right hon. Friend the Member for South Lancashire says that we must punish in this case the innocent with the guilty. Very well, let us grant it; but what about those persons who have never been electors? What have been their crimes? They could not have committed any; and I ask on what principle germane to the principles we have now adopted as the basis of our representation is it that you are going, on account of the fault of 500 existing electors, to prevent the coming into being of the 4,500 electors to whom this Bill would give a franchise? You must look that question fairly in the face; and I believe the more you look at it the more momentous you will see that it is. If it is a question of disfranchising these 500 persons, you have done so already, because the practical effect of this Bill will be to swamp them—if I may be permitted to revive the expression—in the enormous number of new voters, among whom they will hardly be recognised. But then it is said that they will contaminate the new voters. Is it, then, to go forth to the country that the House has no confidence whatever in this new constituency which it is now employed in creating? Are you prepared to admit to cavillers, like myself, that the new electors are not, after all, to be trusted with the franchise?—that they are homogeneous with those freemen with whom it is alleged the corruption of Great Yarmouth originated? Is that the doctrine upon which the Committee is prepared to take its stand? If not, and if you stand upon the doctrine of numbers

which you seem to have adopted, I ask you on what principle can you refuse to these 4,500 inhabitants of Great Yarmouth, whom your Bill would call into political existence, what you are going to give to hundreds of thousands of persons all over the country, of whom you know absolutely nothing? But there is another point involved in the question which is well worthy consideration. My right hon. Friend the Member for South Lancashire says that the size of the borough should make no difference in the mode in which it should be dealt with on the ground of bribery, and that we must deal with large boroughs just as we would deal with small ones. That is very grand and very Draconian; but I confess that I tremble for the results. I have not been partial to the changes that have been wrought; I wish to see a pure representation in the country; but, with my views of the probable character of those on whom the representation is about to be conferred, strengthened as those views are by the arguments of my right hon. Friend the Member for South Lancashire, I begin to fear that if you really do lay down the rule that large boroughs are to be disfranchised like small ones, you will have to end by disfranchising all the boroughs in the kingdom. I have no particular sympathy with Great Yarmouth; but I do think you will find that you are entering upon a course in which it will be impossible for you to persevere in those principles which you have hitherto applied to this question. There is plenty of bribery in the United States of America; but nobody has ever heard of a proposal to disfranchise an electoral district in that country whatever bribery may have taken place; and I venture to say that the public sentiment would not for a moment suffer such a proceeding, and for this simple reason—I say it not as a matter of reproach—that there prevails among the people an ingrained conviction that the franchise is a right inherent in every citizen—that he has the same right to have the franchise as he has to be treated equally and impartially in the administration of the law. You have yourselves approximated so near to that principle that you will find, if you attempt to enforce the principle of disfranchisement, you must flinch before the difficulties you will have to encounter in cases of bribery, which you know very well will occur in every large borough under the new order of

things. You must act warily in this matter, and not proceed as if you were at the fag end of an old system, but as if you were on the point of inaugurating a new one. And it will be an evil augury for the plan you are now about to establish if you should be obliged in the first case of flagrant delinquency to commence by an absolute reversal of the precedent you propose to establish this evening in the disfranchisement of Great Yarmouth.

MR. HOWES said, he begged leave, on the appeal of the right hon. Gentleman the Member for Calne, to move the omission from the Preamble of the words "Great Yarmouth." He believed that if they were to disfranchise that borough they would inflict a great injury on the constituent body of the kingdom. Great Yarmouth was a large town of 40,000 inhabitants, with a present constituency of 1,400, and a future constituency of above 3,000 under the Bill; the town was the centre, not only of a great shipping interest, but also of a great fishery interest, and its exclusion from the number of our Parliamentary boroughs would create a serious deficiency in our representative system, for not only would its peculiar interests be unrepresented, but the affairs of the town would be intrusted to the keeping of Members who must be looked upon as representing almost purely agricultural interests. Was the principle of disfranchisement to be indiscriminately carried out? Was it to be carried into effect in every case in which bribery was proved to have existed in a borough? He did not mean to contend that that principle ought never to be enforced; but he believed that it should be held to be applicable in exceptional cases only. They had, since the passing of the Reform Bill in 1832, disfranchised only two boroughs—namely, Sudbury and St. Albans. But those were both small boroughs, the electors in each of them not having amounted to more than 500, and in both of them a large majority of the voters, including those of the highest as well as of the lowest class, were proved to have been guilty of corruption, not only at the election which led to the inquiry being instituted, but at every one of the six or seven previous elections. It besides had been shown that the bribery was not confined to the lowest, but extended up to the very highest classes. In the case of Great Yarmouth, on the contrary, the number of those who had been found guilty of bribery was small as

compared with the whole constituency, and to disfranchise that borough, and thus confound the innocent many with the guilty few, would, as a penal measure, he maintained, be a grossly unfair proceeding. There was another point which he wished to bring under the notice of the Committee. Was it a remedial measure? He would ask them whether they really believed that the disfranchisement of such a borough as Great Yarmouth would be attended with the effect of deterring other constituencies from adopting the practices which it was proposed they should thus punish? The extreme uncertainty of their action would, he believed, deprive that policy of any such result; and, in point of fact, their disfranchisement of the free men of Great Yarmouth in the year 1847 had not prevented other electors from imitating their example. Moreover, the present time would be a most unhappy occasion for giving effect to the principle of disfranchisement, for it was well known that they were in want of seats which they might dispose of. There was a general disbelief abroad that the House really desired to put down bribery; and the natural conclusion would be that the Government were for their own convenience assuming a virtuous abhorrence of corruption. Under those circumstances, he moved that the words "Great Yarmouth" be struck out of the Preamble.

Amendment proposed to the said proposed Amendment, in line 6, to leave out the words "Great Yarmouth."—(*Mr. Howes.*)

MR. BRIGHT: Whatever peculiar opinion any Member of the House may hold on this general question, we must all feel that it is an unfortunate thing for the fair discussion and examination of it that the case of the four boroughs is brought before the House in a clause in a Bill of this magnitude: because the Government having made certain arrangements as to what shall be done with these seven seats, some Members of the House may be influenced by that consideration:—the Government clearly must be influenced by it, for if the House were to reject this clause, it would interfere very seriously with all the arrangements of this small scheme for the re-distribution of seats. Therefore, I say, these four boroughs themselves have a right to complain, and every Member of the House has a right to complain, that the matter is not brought before the House

in that distinct and simple form which a matter of such vast constitutional importance ought to be. Now the House, I think, will admit that I am not chargeable generally with a disposition to support the cause of electoral corruption either in boroughs or counties. I am not anxious to say anything in opposition to the Government in regard to this measure which I can avoid saying, and least of all am I desirous to put myself in opposition to my right hon. Friend the Member for South Lancashire, who has spoken so strongly in support of this clause; but I never felt—I may say in all my life—so conscious of the danger the House runs of making a mistake in a matter of this kind than I do at this moment. Now, the right hon. Gentleman has referred to the boroughs which have been disfranchised before. I believe, as the hon. Gentleman who spoke last said, there are only two cases since the Reform Bill in which boroughs have been disfranchised—the borough of St. Albans and the borough of Sudbury. I was in the House when one of those cases—indeed, I believe when the two were before the House—and I venture to say, if those boroughs had been of the size of Lancaster or Great Yarmouth, neither of them would have been disfranchised, and that the House consented mainly to their disfranchisement, because, in the first place, the boroughs were so small, that really they ought not to have existed at all; and secondly, because, being so small, there was no expectation that there could be created in them any constituency of a less corrupt and more reliable character, so as to afford a hope that in future the representation of those places would be satisfactory and creditable to the country. Well now, what is the true course to adopt? Bribery is an offence known to the law. I do not speak now of the corruption of constituencies, but of the corruption of each individual member of constituencies. You have, in some degree, by granting indemnity, shut yourselves out from punishing any one from bringing before a court any one person who has been guilty of bribery in these four boroughs. But you have left yourselves clearly a right to disfranchise every individual person whose corruption has been proved before any Commission of Inquiry. If your indemnity has anything in it, it is quite clear you have no power, after the promise you have given to the witnesses, to do that which you propose to do

by this Bill—if you have the power—to disfranchise them all in bulk, not only those who have committed the offence and are guilty, but those who did not commit the offence and who are innocent. But surely you have a right to take the list of all the men which the Commissioners have laid before you—of those who bribed and those who were bribed—and to enact that not one of these men, for any number of years, or for the term of their natural lives, should be entitled to give a vote. Now that is the honest, it is the just, I hold it is the proper course for you to take, and it is also in accordance with the opinion which has been held in this House by eminent men who have discussed this question in past times. But now you are about, in a manner so—the House will forgive me for saying so—flagrant, so atrocious, to punish a great number of innocent persons for an example to other persons. That is the theory of the right hon. Gentleman the Member for South Lancashire—that you tie them all up together and say, “It is all very well; we know that you, 1,200 nearly, are innocent of all these matters.” [An hon. MEMBER: Some of them may have winked at it.] Of course, some of them may have winked at it; but we do not punish people for winking now-a-days, even though they wink very hard. If we take the 528 and tie them up with nearly 1,200 who have not been bribed, and say to them, “You are a community, and we will tie you all together, and punish you all in perpetuity, as long as you live in the town of Great Yarmouth, for an offence of which not only you have not been guilty, out of which your innocence was proved when £10 notes were lying in the streets, and any of you might have picked them up if you liked to have them”—you punish the innocent men, when you can, if you like, put your finger on the guilty. It is not as if you had not a list of the guilty. You know them all. Then punish them all; for you can put them in the Schedule of an Act of Parliament this very week and disfranchise them. But, if you take the 1,200 who are innocent and the 4,000 or 5,000 who have all the chance of coming upon the register, as the right hon. Member for South Lancashire stated—although we may say that only 2,000 or 3,000 will really come upon the register—you take all these innocent men, including the 2,000 or 3,000 to be created by the Bill, and disfranchise them for ever—as long as they live in Great Yarmouth.

You punish at least 4,000 persons for the sin of 500, and that, too, when you have the names of every one of the 500 on the table. I say that is a proposition so monstrous that I am surprised the Chancellor of the Exchequer has it in his Bill; I am astonished that the right hon. Gentleman the Member for South Lancashire should support it; and I shall be amazed if it receive the sanction of the majority of this House. I venture to tell the hon. Gentlemen who support this proposition that there is hardly anything more uncertain as a remedy than disfranchisement. If you disfranchised Sudbury and St. Albans, you had no more corruption in these places. But the disfranchisement of Sudbury and St. Albans did not in the slightest degree, as I ever heard, diminish the corruption in other boroughs. I venture to say that if you disfranchise Great Yarmouth and Lancaster, there are other boroughs that ought to be in the same category which will be none the better for the course you take. Hon. Members know that the arrangement that the hon. Gentleman who preceded me (Mr. Howes) referred to is not at all an uncommon one. Since this Parliament met I have heard of a borough in which corruption was extensive, with respect to which a petition was presented against the sitting Member. The Committee met; it was not thought desirable that the charge of corruption should be proceeded with, and it was therefore agreed that nothing should be proceeded with except the question of scrutiny—whether the majority was valid or not. So the scrutiny went on until a sufficient number was struck off, and the gentleman who had come in went out, and his competitor came in in his stead. They had come to some kind of arrangement or understanding—I do not know what—but before two years had passed the seat for that borough was again vacant, and the gentleman who was originally returned came in unopposed. All the effect that the disfranchisement of these four boroughs will have is this—it will make corruption a little more discreet and cause greater cunning and management to be observed in its exercise than now. I should like to put to the Committee—and I hope my hon. Friend and relative, of whom I would speak, will forgive me for speaking of the way in which this system bears upon the case—I refer to the borough of Wakefield. In the election of 1859 there was, as they were all aware, extensive bribery in the borough of Wake-

field, and one of the most honourable and conscientious men living, having unfortunately come in contact with this odious system, became almost inextricably involved in it. If there were no honourable and conscientious men in this House who have been connected with bribery, I must form a very unfavourable opinion of a good many of those I see around me. The House knows what took place in the case of Wakefield. There was a Commission, and a full inquiry, and a prosecution also; but the borough was not disfranchised. And what took place? When the next General Election drew on, my hon. Friend and relative had determined to have no more to do with affairs which had given him such great anxiety, and had brought him into condemnation of the acts of all those who were opposed to electoral corruption. But the constituency felt how much it had suffered from what had taken place. The leading men of the constituency came forward and would not allow him to go into the retirement he coveted; they asked him to stand, pledging themselves, as far as their party was concerned, that bribery should be for ever abandoned and discouraged, and promising to return him without expense. In all this they kept their promise. The borough returned him without a contest and without expense. What is the case now? The borough of Wakefield has entirely wrested itself from the corruption into which it had fallen in previous elections. ["No!"] I say yes; for there was a Committee on the last election, and before that Committee it was distinctly proved that, with the exception of some man who had run the country for embezzlement, who had committed some acts of bribery to enable him to win a bet, there was absolutely no corruption on the part of those who returned my hon. Friend to this House. Therefore I say Wakefield is a case in point. If the right hon. Gentleman had brought in this Bill in 1860 he would have no doubt have put Wakefield in the clause; but is it not a great matter that Wakefield should be a reformed, independent, and regenerate borough as it is now, instead of being put into a disfranchising clause, and coming to knock at the door of this House seeking again to be admitted to the representation? The right hon. Gentleman the Member for South Lancashire referred to the boroughs that had been disfranchised by the Reform Act under Schedule A; but surely those boroughs were disfranchised on the ground

of general policy. They were not in any sense a representation of the people; therefore you shut them out, and gave their Members to really large boroughs, to towns and cities representing an important amount of public opinion. I say that the course proposed by the Government is unconstitutional to the last degree in respect to any borough not so small as to be disentitled on grounds of general policy to be represented in this House, and that the true course is that which has been suggested by the hon. Gentleman who had just spoken, that the writ should be suspended as in former cases, by which only the existing generation is punished—by which you will not be giving away their Members, and be afterwards called upon to increase the number of the Members of this House by the re-admission of those whom you now exclude; whilst you will as effectually punish those who are guilty, and I believe as effectually deter all other boroughs on whose feelings and practices you wish to make an impression as by disfranchisement itself. I have stated, as briefly as I could, my view of the case. There is no Member in the House to whom corruption is more odious than it appears to me, and I am only sorry that the House is not more willing to take another method which in my opinion would be preventing this great offence; but I will never consent, whatever my dislike to that special crime, that many hundreds of perfectly innocent men shall be permanently disfranchised, and that great populations, like those of Lancaster and Yarmouth, shall be perpetually excluded from representation in this House because a small proportion of the electors in our generation have been guilty of this offence. I cannot hope, of course, to affect the votes of the House—though I may trust I have influenced some opinions—against the decision of the Chancellor of the Exchequer, assisted as he is curiously to-night by the right hon. Member for South Lancashire; but whatever the House may decide upon, I shall feel that I have maintained the true and just course in this matter, and that I have done all I could to counsel the House not to create a precedent which, I believe, would be very unfortunate, and which our predecessors would wish we had not made for them.

VISCOUNT CRANBORNE: I think, Sir, that the House is in danger of being misled by the somewhat equivocal use of the word "disfranchisement." If it were

now proposed to take the borough of Great Yarmouth, and say to the people, "You shall be in a position different to all other Englishmen; you shall enjoy no share in Parliamentary representation, either you or your children after you," I admit that there would be great force in the complaint that you are punishing the innocent with the guilty, and inflicting a punishment incommensurate with the offence. But what are you going to do? You are going really to put the inhabitants of these boroughs in the same position as the large majority of their fellow-countrymen—to make them part of a great county constituency. The very existence of boroughs is not in conformity with the doctrine of numbers, to which the right hon. Gentleman the Member for Calne (Mr. Lowe) says we are rapidly approximating. The boroughs are selected from out the great mass of the country, and upon them is conferred a special franchise, and a power greater than is given to the majority of their countrymen, because it is supposed that in consequence of their close aggregation and the special interests which they represent they are fitted to return men to this House who are likely to legislate wisely for the country. But if the boroughs in any individual case prove that antecedent judgment is incorrect—if they show by their conduct, maintained consistently during a long series of years, that they are not fitted to send representatives to this House—if they show that, instead of representing special interests, all they do is to supply the wants of their own venality, they then deprive themselves of their claim to the special privileges committed to them for the good of the country, and a case is established for relegating them back, not to disfranchisement, as has been said, but to the position which is occupied by a large majority of the people of this country. Therefore there appears to be no injustice in the course now proposed. What we have to consider is not whether these people are to be subject to penal enactment, but whether they are fit to exercise the special privilege which has been conferred on them in virtue of their being boroughs. The hon. Member for Birmingham proposes to punish these individuals by selecting the people who have been induced by your proclamation of indemnity to come forward and charge themselves with this offence of bribery. I say if your indemnity is worth anything it must save each man who took advantage of it from

what I will denominate the special and individual consequences of the disclosures he made, otherwise it is not worth the paper upon which it is written; but it does not exempt him from any measure of general policy which Parliament may think fit to adopt. It will never do to select the men who came forward to punish them, and in spite of the indemnity to print their names in an Act of Parliament, and brand them to all posterity, thus inflicting upon them a special punishment which you do not inflict upon their fellow-citizens. Such a procedure would impeach the good faith of Parliament, which has a moral and actual value. Suppose you adopt the proposal of the hon. Member for Birmingham, in what position would you be when next you had a borough to deal with? If you should send down Commissions to corrupt districts armed with indemnities the people would know what certificates of indemnity were worth—they would put no trust in them whatever. I venture to say, if you were to adopt the suggestion of the hon. Member for Birmingham you will never discover bribery in any other borough in the kingdom. I think you make a great mistake in dealing with this as a penal question. The truth is, it is not to punish these people that the House is about to legislate, it is to cut out a gangrene from the representative system. There is this peculiarity in bribery, as has been found by long experience—it is endemic. It fastens itself on particular places, and they do not know how it got there nor what it is. It exists, like a general disease, in one place rather than another, but nobody knows why—but there it is. No punishing of candidates—no issuing of Commissions can restore to health the place wherein it has fastened itself. Therefore it is not to punish the borough nor to make an example of it, but to cut out a gangrene which it is hopeless for us to attempt to cure, that we are invited to adopt the remedy contained in the clause under discussion. I do hope that the House will prove its sincerity and its detestation of this sad stain on our electoral system by adopting the proposition of the right hon. Gentleman the Chancellor of the Exchequer.

MR. HUSSEY VIVIAN, who rose amid loud cries for a division, said, that he himself had presented a petition to the House signed by a large portion of the most respectable people of Yarmouth praying for a Royal Commission to inquire into

the charges brought against them ; which showed that they were thoroughly sensible of the injurious influence which bribery exercised on their borough. He believed, moreover, that a large proportion of the respectable inhabitants of that borough were anxious that it should be disfranchised. While, however, the punishment now proposed to be inflicted was just, it could not be denied that there were other places equally deserving of such punishment. He should cordially support the proposal of the Government.

THE CHANCELLOR OF THE EXCHEQUER: Remembering the hour (half past seven) I will not detain the Committee long. I wish to state very briefly before we go to a vote that Her Majesty's Government did not arrive at the conclusion which is expressed in this clause but after the most mature and anxious consideration, and they unanimously arrived at that decision believing that it was justified by sound policy and sanctioned by constitutional precedent. The hon. Member for Birmingham has intimated that we are persisting in this course because it suits the convenience of the arrangements we have made with regard to the enfranchisement of other boroughs. Now, Sir, that accusation, I assure him, has no foundation in justice. On the contrary, we were most anxious that this clause if carried should be carried by the general feeling of the House. We were of opinion that if it could be carried only by the discipline of party and the influence of the Ministry the effect would not by any means be satisfactory ; and I fairly admit that when it was represented to me that very considerable opposition would be offered to it from various quarters—when the Motion of the hon. Gentleman (Mr. Howes) was given notice of, and when other circumstances were mentioned, which showed that our proposition might not be sanctioned by that demonstration of feeling which we thought was necessary under the circumstances, far from endeavouring to stickle for the arrangement which the hon. Gentleman the Member for Birmingham seems to think is so convenient for us, I said that the Government were anxious that this clause, if passed, should be passed, if not unanimously, at least by a general expression of opinion in its favour, so that the moral effect of passing such a clause should not be lost ; and that if that were not to be the case, and if it were to be made a mere party struggle, I should be

perfectly willing, if it were fairly discussed, to listen to any proposition which, by modifying some of the conditions, might lead to general concurrence. Because it seemed to me that if ever circumstances of this character should be placed before the House of Commons there never was a case in which they should be considered so perfectly free from all party feeling. I believe the influence of the two places taken together is pretty well balanced ; but at a moment when we are dealing with matters of so much gravity such trivial considerations should not be taken into account. I can assure the hon. Member for Birmingham that he is labouring under a complete delusion if he supposes that Her Majesty's Government are endeavouring to force this policy on the House because it is convenient to any arrangements they have made. Unless it is cordially and completely adopted we feel it will not possess the moral effect we would like it to have. Allow me to say a word before I sit down, upon the question of bribery. The more I see of these things—and, like many others in this House, I have witnessed the results of many General Elections—the more I am convinced that bribery and corruption, although they may be very convenient for gratifying the ambition or the vanity of individuals, have very little effect on the fortunes or the power of parties ; and it is a great mistake to suppose that bribery and corruption are the means by which power can either be obtained or retained. In all periods which have been characterized by very great corruption it will always be found to have been caused by some new class forcing itself into a position in society, and that it was not due to the efforts of rival parties. Of this I am convinced myself—that bribery and corruption affects very little the course of public affairs. With regard to the Amendment immediately before the House, it is one that under no circumstances could I support, even had the House been desirous of attempting a compromise as to some portion of the clause ; because, so far as I understand it, it is the entire omission of Great Yarmouth from this clause. That I could not for a moment agree to, and I trust the Committee will not sanction it.

MR. BRIGHT said, that before the Committee divided he was anxious to explain that when he referred to the course which had been taken by the Government, he merely meant that they could not assent

to the proposition contained in the Amendment without disturbing their previous arrangements. After the observation that had been made by the right hon. Gentleman, he thought that the right hon. Gentleman himself was of opinion that disfranchisement for a generation would be a sufficient punishment.

Question, "That the words 'Great Yarmouth' stand part of the said proposed Amendment," put, and *agreed to*.

Original Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 325 ;
Noes 49 : Majority 276.

Preamble to Clause 8 *agreed to*.

AYES.

Acland, T. D.
Adam, W. P.
Adderley, rt. hon. C. B.
Agnew, Sir A.
Amberley, Viscount
Anson, hon. Major
Arkwright, R.
Armstrong, R.
Ayrton, A. S.
Aytoun, R. S.
Bagnall, C.
Bailey, Sir J. R.
Barclay, A. C.
Barrington, Viscount
Barrow, W. H.
Bass, A.
Bateson, Sir T.
Baxter, W. E.
Beach, Sir M. H.
Beach, W. W. B.
Beaumont, W. B.
Beetive, Earl of
Beecroft, G. S.
Blennerhasset, Sir R.
Bonham-Carter, J.
Booth, Sir R. G.
Bourne, Colonel
Brand, rt. hon. H.
Bridges, Sir B. W.
Briscoe, J. I.
Bromley, W. D.
Brooks, R.
Brown, J.
Browne, Lord J. T.
Bruce, C.
Buller, Sir E. M.
Burrell, Sir P.
Butler, C. S.
Calcraft, J. H. M.
Calthorpe, hn. F. H. W. G.
Campbell, A. H.
Candlish, J.
Cardwell, rt. hon. E.
Cartwright, Colonel
Cave, rt. hon. S.
Cave, T.
Cavendish, Lord G.
Chambers, M.
Cheetham, J.
Clay, J.
Clement, W. J.
Clinton, Lord E. P.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cole, hon. H.
Colebrooke, Sir T. E.
Coleridge, J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Colville, C. R.
Corry, rt. hon. H. L.
Cowen, J.
Cowper, hon. H. F.
Cowper, rt. hon. W. F.
Cox, W. T.
Cranborne, Viscount
Craufurd, E. H. J.
Crawford, R. W.
Cubitt, G.
Dalkeith, Earl of
Denman, hon. G.
Dering, Sir E. C.
Dick, F.
Disraeli, rt. hon. B.
Doulton, F.
Dowdeswell, W. E.
Du Cane, C.
Duff, M. E. G.
Duncombe, hon. Adm.
Duncombe, hn. Colonel
Dyke, W. H.
Dyott, Colonel R.
Eaton, H. W.
Eckersley, N.
Edwards, Sir H.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Enfield, Viscount
Evans, T. W.
Ewart, W.
Ewing, H. E. Crum-
Fane, Colonel J. W.
Fawcett, H.
Feilden, J.
Fergusson, Sir J.
Finlay, A. S.
FitzGerald, rt. hn. Lord
O. A.
FitzPatrick, rt. hn. J. W.

Forester, rt. hon. Gen.
Forster, C.
Fortescue, rt. hon. C. S.
Fortescue, hon. D. F.
Foster, W. O.
French, rt. hon. Colonel
Freshfield, C. K.
Gallway, Sir W. P.
Galway, Viscount
Garth, R.
Gavin, Major
Getty, S. G.
Gilpin, Colonel
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Glyn, G. G.
Goddard, A. L.
Goldney, G.
Gore, J. R. O.
Gore, W. R. O.
Gorst, J. E.
Goschen, rt. hon. G. J.
Graves, S. R.
Gray, Lieut.-Colonel
Greenall, G.
Greene, E.
Greville-Nugent, A. W. F.
Grey, rt. hon. Sir G.
Gridley, Capt. H. G.
Griffith, C. D.
Grosvenor, Lord R.
Grosvenor, Capt. R. W.
Grove, T. F.
Guinness, Sir B. L.
Gurney, rt. hon. R.
Gwyn, H.
Hadfield, G.
Hamilton, rt. hn. Lord C.
Hamilton, Lord C. J.
Hamilton, I. T.
Hanmer, Sir J.
Hardcastle, J. A.
Hardy, rt. hon. G.
Hardy, J.
Harris, J. D.
Hartley, J.
Hartopp, E. B.
Harvey, R. B.
Hervey, Lord A. H. C.
Hay, Sir J. C. D.
Hayter, A. D.
Headlam, rt. hon. T. E.
Heathcote, hn. G. H.
Henley, Lord
Herbert, hon. Col. P.
Heygate, Sir F. W.
Hibbert, J. T.
Hildyard, T. B. T.
Hodgkinson, G.
Hodgson, K. D.
Hodgson, W. N.
Hogg, Lieut.-Col. J. M.
Holford, R. S.
Holland, E.
Holmesdale, Viscount
Hood, Sir A. A.
Hope, A. J. B. B.
Hotham, Lord
Howard, hon. C. W. G.
Hunt, G. W.
Hurst, R. H.
Hutt, rt. hon. Sir W.
Ingham, R.
James, E.
Jardine, R.
Jervoise, Sir J. C.
Johnstone, Sir J.
Jolliffe, hon. H. H.
Jones, D.
Karslake, Sir J. B.
Karslake, E. K.
Kavanagh, A.
Kekewich, S. T.
Kendall, N.
Kennard, R. W.
King, J. K.
Kingleake, A. W.
Kingleake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Knight, F. W.
Knightley, Sir R.
Knox, hon. Col. S.
Laing, S.
Laird, J.
Lawrence, W.
Leader, N. P.
Lee, W.
Lefevre, G. J. S.
Legh, Major C.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, hon. Col. C.
Lindsay, Colonel R. L.
Lloyd, Sir T. D.
Locke, J.
Long, R. P.
Lowe, rt. hon. R.
Lowther, J.
Lusk, A.
MacEvoy, E.
Mackie, J.
Mackinnon, Capt. L. B.
McLagan, P.
McLaren, D.
Malcolm, J. W.
Manners, rt. hn. Lord J.
Martin, P. W.
Matheson, A.
Mill, J. S.
Miller, W.
Mills, J. R.
Mitchell, A.
Mitchell, T. A.
Mitford, W. T.
Moffatt, G.
Monk, C. J.
Montagu, rt. hn. Lord R.
Montgomery, Sir G.
More, R. J.
Morgan, O.
Morrison, W.
Mowbray, rt. hn. J. R.
Naas, Lord
Neate, G.
Neeld, Sir J.
Newdegate, C. N.
Newport, Viscount
Nicholson, W.
North, Colonel
Northcote, rt. hn. Sir S. H.
Norwood, C. M.
O'Connor Don, The
Ogilvy, Sir J.
Oliphant, L.
O'Neill, E.

[Committee—Clause 8.]

Packe, C. W.
 Packe, Colonel
 Padmore, R.
 Paget, R. H.
 Pakington, rt. hn. Sir J.
 Palk, Sir L.
 Palmer, Sir R.
 Parker, Major W.
 Parry, T.
 Peel, J.
 Pennant, hon. G. D.
 Philips, R. N.
 Platt, J.
 Potter, E.
 Powell, F. S.
 Price, W. P.
 Pryse, E. L.
 Pritchard, J.
 Pugh, D.
 Rebow, J. G.
 Repton, G. W. J.
 Robertes, T. J. A.
 Robertson, P. F.
 Rolt, Sir J.
 Royston, Viscount
 Russell, A.
 Russell, H.
 Russell, Sir C.
 Russell, Sir W.
 Samuda, J. D'A.
 Samuelson, B.
 Schreiber, C.
 Slater-Booth, G.
 Scott, Sir W.
 Scourfield, J. H.
 Selwyn, C. J.
 Seymour, G. H.
 Sherrieff, A. C.
 Simonds, W. B.
 Smith, A.
 Smith, J.
 Smith, J. A.

Stanhope, J. B.
 Stanley, Lord
 Stansfeld, J.
 Stone, W. H.
 Stuart, Lieut.-Col. W.
 Stueley, Sir G. S.
 Surtees, C. F.
 Synan, E. J.
 Talbot, C. R. M.
 Thorold, Sir J. H.
 Torrens, R.
 Tottenham, Lt.-Col. C. G.
 Tracy, hon. C. R. D.
 Hanbury-
 Treeby, J. W.
 Turner, C.
 Vandeleur, Colonel
 Verner, Sir W.
 Verney, Sir II.
 Vivian, H. H.
 Walcott, Admiral
 Walker, Major G. G.
 Walrond, J. W.
 Walsh, A.
 Walsh, Sir J.
 Warner, E.
 Waterhouse, S.
 Western, Sir T. B.
 Whatman, J.
 Whitbread, S.
 Whitmore, H.
 Wickham, H. W.
 Williams, F. M.
 Williamson, Sir H.
 Winnington, Sir T. E.
 Wise, H. C.
 Wyld, J.
 Wynn, Sir W. W.
 Wyvill, M.

TELLERS.
 Taylor, Colonel T. E.
 Noel, hon. G. J.

NOES.

Adair, H. E.
 Allen, W. S.
 Bagge, Sir W.
 Bagwell, J.
 Baillie, rt. hon. H. J.
 Baines, E.
 Baring, hon. A. H.
 Barnes, T.
 Barry, A. H. S.
 Bright, J.
 Conolly, T.
 Crossley, Sir F.
 Dalglish, R.
 Dillwyn, L. L.
 Dimsdale, R.
 Edwards, C.
 Eliot, Lord
 Eykyn, R.
 Fildes, J.
 Forster, W. E.
 Fort, R.
 Gilpin, C.
 Goodson, J.
 Gray, Sir J.
 Grey, hon. T. de
 Hamilton, E. W. T.
 Hartington, Marquess

Harvey, R. J. H.
 Hay, Lord J.
 Henniker-Major, hn. J.
 M.
 Howes, E.
 Lacon, Sir E.
 Layard, A. H.
 Liddell, hon. H. G.
 Morris, G.
 O'Brien, Sir P.
 O'Donoghue, The
 Patten, Colonel W.
 Pease, J. W.
 Pim, J.
 Read, C. S.
 Scholefield, W.
 Seymour, H. D.
 Shafto, R. D.
 Taylor, P. A.
 Torrens, W. T. M'C.
 White, J.
 Whitworth, B.
 Woods, H.

TELLERS.
 Dunkellin, Lord
 Bowyer, Sir G.

COLONEL WILSON PATTEN said, that upon a former occasion he had advanced all he could say in order to prove the hardship which would be inflicted upon the borough of Lancaster were it wholly disfranchised; but he was not then in full possession of all the facts relating to the case. The right hon. Member for South Lancashire, in the course of the debate that evening, had said that one very great objection to totally disfranchising boroughs convicted of bribery was that disfranchisement would become recognised as the usual punishment of the crime, and the truth would become more difficult to get at in consequence. He ventured to assert that a truer observation had never been made, nor one more supported by all the circumstances, so far as Lancaster was concerned. He would remind the Committee that the Chief Commissioner at Lancaster, in opening the inquiry, addressed all concerned, and mentioned Gloucester and Wakefield as resembling the case of Lancaster in population and other respects, and he urged upon all the inhabitants there to come forward and tell the whole truth in regard to the bribery and corruption that had taken place; he told them that a Royal Commission had visited these places, and had reported "very gross corruption was disclosed, but a tolerably candid confession" having been made by those implicated, "the Legislature suspended the representation for three or four years" only. He went on—

"No one would suppose that he was holding out any promise or making any bargain; he only thought it fair to mention these precedents with a view of showing that in cases where disclosures had been tolerably fair and candid the Legislature had dealt with them in a lenient manner."

Had the Commissioners been in the House they would have been ready to assert that no difficulty was found in getting evidence from the people of Lancaster, for they came freely forward and gave all the information they could on the subject; a large number of uncorrupted electors gave evidence, and he was sure they did so in the belief that they would not be disfranchised. He therefore asked the right hon. Gentleman whether he thought the disfranchisement of Lancaster would encourage people of other boroughs to come forward and tell the truth in case there should be any inquiry into suspected bribery? He thought the Committee was acting in an extreme manner. He believed, however, that it was necessary to discourage bribery as much as

possible, and had intended to move the disfranchisement of Lancaster to the extent of one Member—after the recent division he supposed it would be hopeless to obtain more. What had occurred in the boroughs of Gloucester and Wakefield was quite equal to what had taken place in Lancaster. In those cases the House had contented itself with suspending the writ for a long period, and he thought a similar punishment would meet the justice of the cases before them. He should therefore move, when the time came, to omit the words “Great Yarmouth and Lancaster,” with a view of adding words at the end of the clause, the effect of which would be to suspend the writs in those two boroughs for a period of ten years. As regarded the number of years, the time was perfectly immaterial to him, and he was willing to adopt the view of the majority of the House on that point. But to disfranchise the boroughs totally, after what had taken place, would be to set a very bad example.

MR. ACLAND said, that in the district he represented if a labourer misbehaved himself, in local phraseology, “he got a holyday ;” but the term should always be sufficiently long to render the punishment real, and not merely conducive to further excesses ; and he did not think a period of ten years would be sufficient to meet the case. He would rather suggest twenty-five or thirty years as the proper period during which the writ should be suspended, so as to make the lesson endure for the lifetime of the present generation.

COLONEL WILSON PATTEN said, that if the Committee agreed to his proposition, he was willing to assent to any number of years which might be agreed upon—quarter of a century, if necessary—as long as the penalty of total disfranchisement was not enforced.

After some discussion,

MR. BAXTER moved the insertion of these words :—“No writ for the boroughs of Great Yarmouth and Lancaster shall be issued until the year 1882,” being a period of fifteen years.

VISCOUNT CRANBORNE thought it would be better for the moment to avoid fixing a date, and therefore to stop at the word “until.”

MR. GLADSTONE said, he should like to stop at the words “Great Yarmouth.” Much had been said about Lancaster and Great Yarmouth, but very little interest had been made on behalf of the borough of

Reigate ; but it was a rapidly extending borough, the constituency was one of great intelligence, the bribery established was not of the most flagrant character ; and therefore, if mercy were to be shown at all, it should be extended to Reigate as well. He concurred in the suggestion that time should be allowed for an entire change in the *personnel* of the constituencies before the writs were issued. Less than twenty years would not suffice for this purpose ; if therefore the year 1887 were inserted, he was quite willing to retire from the arena.

Amendment proposed in line 23, to insert the words “no Writ shall be issued for the Boroughs of Great Yarmouth or Lancaster until.”—(Mr. Baxter.)

MR. LIDDELL said, the House had already committed an act of great injustice, and he could not understand why they were to follow that up by perpetrating another only second in point of magnitude. Four boroughs were dealt with by the Bill ; it was proposed to punish these with a view of deterring others. How could they even satisfy the two smaller boroughs that justice was done, if the two larger boroughs were suffered to escape ? But while he felt bound to protest against the injustice of the course they were asked to take, he did not desire that these places should escape punishment altogether, and he was quite willing that the writs should be postponed for as long a period as the Committee thought right.

VISCOUNT CRANBORNE agreed with his hon. Friend that an act of great injustice was in contemplation ; for the effect of suspending the writs would not be to turn over the borough voters to the county constituencies, but only to wipe them out, and make, as it were, burnt places in the middle of the counties. Was the House really determined to proceed to such Draconic measures ? So far as he knew such extreme punishment had never been dealt out before. If the House were determined on such a decisive course, he could not oppose it ; but he could not assent to the principle that by postponing the writs of these boroughs for a great number of years, they would of necessity be preparing the way for the formation of an incorrupt constituency in time to come. If merciful counsels were suffered to prevail, then he could see no reason why Totnes should be dealt with on principles different from the other boroughs.

[Committee—Clause 8.]

MR. AYRTON said, the appeal made by the hon. and gallant Member for North Lancashire was a very strong one, but in proportion to its strength was the necessity that it should be based on a just appreciation of the facts. There were one or two circumstances which he had forgotten. Under the existing law the indemnity granted to witnesses before Royal Commissions only extended to criminal prosecutions. The law expressly declared that a community might be disfranchised for notorious bribery and corruption. But the plea for preserving constituencies because they were large, even though corruption might to some degree have prevailed, was not thrown away upon the House of Commons. Take the instance of the borough of Galway, the facts of which had been examined by a Select Committee—he thought in the year 1860—of which he was a Member. In considering that case, the Committee were struck with the perplexities occasioned by the Act of 1852, and they recommended that the Act should be repealed. The borough of Great Yarmouth was one of the most flagrant that the House had been called upon to deal with since the passing of the Reform Act. It had been again and again inquired into, and attempts had been made to suppress these practices by mild measures, but in vain, and he trusted that having affixed the Preamble the Committee would not flinch from adopting the remedy proposed by the Government. If it were to be said that gross injustice was going to be done to the borough by its disfranchisement, he replied that the inhabitants would enjoy an amount of electoral power similar to that conferred on 13,000,000 of the population of the kingdom. The punishment of disfranchisement was the only effectual mode of putting an end to notorious bribery.

THE MARQUESS OF HARTINGTON said, there was greater hardship in depriving large and increasing communities of the franchise than in disfranchising small and decaying boroughs. In a large community like Lancaster and Yarmouth there were special interests which had a right to be represented; but he did not suppose that there was anything of the kind in Totnes. If small constituencies, like that of Totnes, were disfranchised, many of the borough voters would still come into the Parliamentary constituency as voters for the county, but the suspension of borough writs for a long term of years would

have the effect of practical disfranchisement. He thought that a signal punishment ought to be inflicted for bribery and corruption; but, with his hon. and gallant Colleague, he was of opinion that a disfranchisement for ten years would be sufficient. A suspension of electoral rights for such a period would be a lesson to that class in whose power it was to prevent corrupt practices.

MR. HOWES supported most cordially the recommendation of the noble Marquess opposite, and wished to ask a question of the Chancellor of the Exchequer. The right hon. Gentleman had stated on a former occasion that individuals who had committed bribery in boroughs would not be allowed to vote for the counties after the boroughs had been disfranchised. If that were so, he should like to be informed whether that object would be carried out by the present Bill or by separate legislation. He hoped that the same provision would be also made applicable to cases where the punishment was suspension of the writs for a term of years instead of total disfranchisement.

SIR GEORGE BOWYER said, the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) had used a very curious argument when he maintained that no grievance would be inflicted upon the towns which it was proposed to disfranchise totally, because the electors of those towns would have votes for the county. Now, that seemed to him a very absurd result. He did not see why, when a borough had been disfranchised for gross bribery and corruption, the inhabitants should have votes for the counties. It appeared to him that the true remedy to be applied to corrupt places was that the guilty individuals should be disfranchised and not the place itself. Large communities ought not to be disfranchised even for a term. The right hon. Member for South Lancashire had contended that the disfranchising of these places was not in the nature of a Bill of pains and penalties, because it was prompted by motives of public policy; but surely the recital, which set forth that gross bribery had been proved against these places, rendered such a line of argument wholly untenable. If, however, a distinct Bill of pains and penalties were introduced into the House, the persons who were affected by it would have an opportunity of being defended by counsel. He entertained a strong conviction that a great injustice would be perpetrated if a penalty were imposed upon innocent men

because others had been guilty of bribery. The House were about to punish communities for the offences of individuals, but if such a course were adopted those communities would be sure to put forward claims, which could not be easily resisted, to a share in the representation of the people. The better plan would be to give up the disfranchisement of towns, and to disfranchise all individuals found guilty of bribery, and to render them incapable of voting at any election. In conclusion, he remarked that the certificates which had been given to persons guilty of bribery merely secured them from legal proceedings, but did not in any way fetter the action of Parliament in this matter.

MR. CUBITT had thought, from the course of the discussion in the early part of the evening, that it was understood that whatever was done with Yarmouth and Lancaster, Reigate and Totnes should, at all events, be left to their fate. He had served on the Totnes Committee, and was of opinion that a stronger case of bribery and corruption could not possibly be made out. He wished, however, to make a few remarks respecting Reigate, for this borough had found an important defender in the person of the right hon. Gentleman the Member for South Lancashire. It might be said that Reigate was wholly unrepresented at the present moment. The Member for that borough had lost his seat, and he regretted to learn that one of the Members for East Surrey was unable to attend in his place in consequence of severe illness; while the other member for East Surrey had left the House without saying one word in favour of Reigate. Now, if the hon. Member for East Surrey was unable to say a word in favour of Reigate, he was astonished that the right hon. Gentleman—the Member for South Lancashire should have done so. He (Mr. Cubitt) was one of the Members for West Surrey, but as he resided only a few miles from Reigate, he had an opportunity of seeing many gentlemen connected with the borough, and he thought he should not be guilty of exaggeration if he said that for many years past the elections in Reigate had been a scandal and a disgrace to the county. Formerly it was a close borough, and returned a Member in the interest of Lord Somers. The town had rapidly increased since then, and hon. Gentlemen who merely passed it by railway would probably think that there could not be a more respectable constituency. On a

nearer inspection, however, such ideas would vanish. Some hon. Gentlemen opposite were in the habit of saying that bribery and corruption were special prerequisites of his side of the House. But, however that might be, it was a fact that there had never been a Conservative candidate for the representation of Reigate. Now that circumstance increased the disgrace attaching to Reigate, because it prevented the excuse of strong party feeling from being pleaded in its favour. There was a gentleman at Reigate last year who took a prominent part in exposing the bribery and corruption. He was held in high esteem by all the respectable inhabitants; but when the municipal election occurred that gentleman ceased to be mayor of the borough. Well, he was succeeded by a gentleman named Mr. Charles Joseph Smith, who had been acting since then as chief magistrate, and had opened a correspondence with very distinguished personages, and among them the right hon. Member for South Lancashire, respecting the disfranchisement of Reigate. The Chancellor of the Exchequer had remarked, on a previous occasion, that identity was a difficult subject; but if hon. Gentlemen would turn to the Report of the Reigate Commission they would find that a Mr. Charles Joseph Smith was reported, in 1863 and 1865, as a bribery agent in both those elections. Now, if the two gentlemen were identical, he must say that the labours of the Commission had not tended to produce a more wholesome or purer feeling in the borough of Reigate than formerly prevailed.

MR. FORT thought the rights of the new constituencies which would be created by the Bill ought not to be lost sight of in considering this matter, and that on that consideration it would be more just to take away one Member than to disfranchise the boroughs altogether.

MR. READ said, that if the corruption of Great Yarmouth were, as described by the noble Lord the Member for Stamford (Viscount Cranborne), a gangrene spot, to be cut out, he did not think they would be justified in innoculating with it the constituency of East Norfolk. The great bulk of the corrupt electors were likely to die out in ten or fifteen years; and he did not see what his own constituency had done that the voters of Great Yarmouth should be added to it. It had been said that these voters would be as wishful to

receive bribes in the county as they were in the borough. There would be this difference—they would not get them. The expenses of his election were only £640 ; and that for contesting a constituency of 8,000 voters ; and his personal expenses were under a sovereign. If the constituency of Great Yarmouth were not fit to return Members of their own, they ought not to be turned into the constituency of East Norfolk, to pollute voters who hitherto had been perfectly pure.

MR. GILPIN had, like the hon. Member for Northumberland (Mr. Liddell), voted in the minority, and with him felt a sense of the injustice inflicted by the Committee in its refusal to discriminate between the innocent and guilty. He should not, however, dwell further on the matter, because there was the consolation that our laws were not like those of the Medes and Persians, and that this decision of the Committee would, in all probability, be re-considered in a future Parliament. The question being now whether these boroughs should be disfranchised temporarily or permanently, he would vote for temporary disfranchisement, because that was the less punishment for the majority of the electors who deserved no punishment at all, and because a suspension of the writs would have the effect of excluding from the county franchise the boroughs deemed to have forfeited their right to the borough franchise. He could not help expressing his deep regret that the Reigate Commission had felt it necessary to reflect upon the character of his honoured friend the late Mr. William Arthur Wilkinson, who sat in this House for years, and was highly esteemed by all who knew him. Mr. Wilkinson had died before the Commission was issued, and no evidence on his behalf could consequently be adduced. It was true there were other instances in which Commissions had felt it necessary to advert to deceased Members ; but this case was made exceptional by the fact that Mr. Wilkinson's agent, Mr. James, was also dead.

MR. DILLWYN said, he did not consider it reasonable, when enacting a measure intended to enlarge the constituencies of the country, that they should propose to disfranchise for all time the constituencies of these four boroughs. If they were to punish them for bribery let them do so in a distinct and definite manner. For his own part, he did not believe the House was in earnest in their wish to punish people

for bribery. If they were really honest they would not select particular cases for punishment, but would pass stringent measures rendering bribery penal, and secure protection to the voter by means of the ballot. He should support the proposal for limited instead of perpetual disfranchisement.

MR. RUSSELL GURNEY said, that his experience in the House was short ; but from all he had seen and heard since he had entered Parliament he believed that the imputation cast upon its honesty by the hon. Member (Mr. Dillwyn) was unjust, and that on both sides of the House there was an earnest desire to put an end to bribery and corruption. With that feeling he should certainly support the proposal of the Government for the total disfranchisement of these corrupt boroughs. At the same time, he sympathized with the hon. Gentleman the Member for East Norfolk (Mr. Read), who was anxious that a stream of corruption should not be poured into his county from the sewer of Great Yarmouth. This, however, he did not consider a necessary consequence of the present measure. The Committee would recollect that at an early period of the discussion he asked the Chancellor of the Exchequer whether it was proposed to give votes for counties to those persons who were proved to have been guilty of either giving or receiving bribes ; and he gathered from the reply of the right hon. Gentleman that it was the wish of the Government that that privilege should not be given. He could not conceive upon what principle they could give votes for counties to men on account of whose corruption they were ready to disfranchise whole boroughs. He hoped, therefore, that provisions would be introduced by which those who had given or received bribes would be deprived of the privilege of voting for the counties in which those boroughs were situated. In reference to the argument that it was unjust to disfranchise the whole borough in consequence of the proved corruption of individuals, he (Mr. Russell Gurney) did not rest his support of disfranchisement in these cases merely upon the ground that a certain number of men were proved to have received or given bribes, but because he found that a general system of corruption prevailed throughout the whole of these boroughs, which must have been perfectly well known to the whole of the constituencies. There were, no doubt,

in all such boroughs many persons who were above either bribing or being bribed, and if those persons had really discountenanced bribery, it would not have existed. They must have known that the system prevailed; they did not discountenance it or take any steps to prevent it, and that being so it was perfectly right that the boroughs should be disfranchised, but it would not be right that the guilty persons should be entitled to vote for counties.

Mr. WYLD suggested that the Government should go a step further and carry out the principle of the ballot in these boroughs. If, however, the right hon. Gentleman the Chancellor of the Exchequer declined to allow the ballot, let him at all events try the experiment of voting papers, and thus secure secrecy in the exercise of the franchise in these places.

THE SOLICITOR GENERAL said, he was glad to hear the hon. Gentleman (Mr. Wyld) express his approval of the principle of voting papers in boroughs. The simple proposition, however, before the Committee was this, whether—having already passed the Preamble of this clause—they should affirm the principle contained therein, that there should be a punishment inflicted on these boroughs which have been found guilty of the grossest corruption. He confessed he could not see upon what grounds a distinction was to be made between the larger and the smaller boroughs in regard to corruption. If they were to punish at all, they should punish all alike; and to say that some should be disfranchised for a term of years, and others utterly, was proceeding upon a principle he could not understand. Now, taking Lancaster for example, it appeared that the greater portion of the constituency had been corrupted to such an extent that out of 1,408 voters 843 were bribed, and 89 were bribers—making altogether more than 900 bribed and bribers. There must have been a great deal of connivance on the part of those not actually found guilty of corrupt practices, which could not have gone on as they did if they had not been assented to by some of the more respectable inhabitants. ["Oh, oh!"] What did the Commissioners say? Why, that the corruption was so gross that, to borrow an expression of one of the witnesses, "the terms used were those of the cattle market, only that the beasts sold themselves." That was the case of Lancaster; but how was it with respect to Great Yarmouth? How could

any one doubt that the inhabitants generally knew well the system of corruption that pervaded the borough? When one of the hon. Members for the borough was proved to have had no less than forty public-houses under his control, could there be a doubt how things went on there? Such was the case of the great boroughs which hon. Gentlemen would not disfranchise entirely, but only for a term of years; while as for the small boroughs they might go to the wall. But if they looked at the Report of the Commissioners, they would see that nothing but going to the root of the evil would be of any avail. What had been done upon former occasions? The hon. Member for Birmingham (Mr. Bright), who was now against disfranchising Lancaster and Great Yarmouth, said that the House had disfranchised St. Albans because it was a small borough. He did not know whether the hon. Member was then in the House; but he (the Solicitor General) found the reason stated in the Act was that there had been corrupt and illegal practices, and that after the passing of the Act the borough of St. Albans should cease to exist. But then it was said that by disfranchising Lancaster and Great Yarmouth, although there were only certain of the electors proved guilty of corruption, they would be punishing those also who were not guilty. To that he would say—adopting an argument which had been made use of the other night—that there was no proof that those persons had not been guilty, only they had not been found out. ["Oh!"] When the Commissioners reported that corruption prevailed to such an extent, could it be doubted that many of the guilty remained undiscovered? What had been done in Great Yarmouth before? The hon. Member for Birmingham was party to the Act of 1848, whereby the freemen of Great Yarmouth were disfranchised. Did they make inquiry then whether particular freemen were guilty or not? Not at all; but because it was ascertained that great corruption prevailed among the freemen it was determined to disfranchise the whole body: and from that time to this day, not only the freemen of that day, but all future freemen in Great Yarmouth, were disfranchised. But that had not had any effect whatever on Great Yarmouth, for it appeared by the Commissioners' Report that the corruption at present was as great as before. Well, then, was not the proper course to mete out the same measure of justice to the large and

small boroughs alike? He would venture to say that what the Committee ought to do was to decide that all those boroughs should cease to have the privilege of sending Members to Parliament.

MR. CARDWELL said, he had listened with the greatest pleasure to the speech they had just heard. He had come down to the House under some apprehension that the proposal of the Bill was about to be modified so as to leave those boroughs with one Member instead of two. He was extremely glad to have been relieved of that apprehension. As an inhabitant of the county of Lancaster and a near neighbour of the town he should have been exceedingly happy if, consistently with his public duty, he could have made an exception in favour of Lancaster: but he felt that this was an important public question, and ought to be dealt with on public grounds. A suspicion had been whispered about that they were not in earnest in dealing with bribery, and if suspension of the privilege of representation were all the punishment inflicted, the country would have someright to think that the House was not sincere. He could not understand how men could rise from the perusal of the blue books which had been laid before them, and have the least hesitation as to the course they were bound to pursue. If the Government had proposed to make a concession so that, after a new generation, the boroughs of Lancaster and Great Yarmouth might, on account of their size, be restored to the representative system, he would have been willing to listen to the proposal, and to take it into consideration; but that which was most important was that the House of Commons should show in an unmistakable manner that the intention of Parliament was to deal effectively with bribery and corruption, and he would therefore give his support to the proposal of Her Majesty's Government.

COLONEL WILSON PATTEN said, that of all the arguments which had been brought forward in this case those of the Gentlemen of the legal profession seemed the most extraordinary and unintelligible. He could not have believed it if he had not heard what had fallen from those hon. and learned Gentlemen. The Solicitor General said that because bribery had taken place in a borough the guilt was to be ascribed not only to the culprits themselves, but to those who were not culprits. But that was an argu-

The Solicitor General

ment to which the House would not, he hoped, listen for a moment. The hon. and learned Gentleman the Member for Richmond (Sir Roundell Palmer) had on a former occasion made use of the same argument, and said that those who claimed to be innocent were at liberty to go before the Commissioners and prove it. He happened to meet one of the Commissioners next day, and he said that if any one came before them to do anything of the sort in order to save the borough from disfranchisement they would have turned him out of the court. What he proposed to do now was, to take a division on the Question that the writ be suspended, and if he succeeded in that he promised that he would consult the general opinion of the Committee as to the length of time for which the suspension should take place.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the Committee would feel that the division about to be taken was really a very critical one, and that a great deal depended on it. He was entirely unfavourable to the suggestion of his hon. and gallant Friend (Colonel Wilson Patten), and he thought that the policy embodied in the clause as it stood was the right policy. But he was free to admit that unless a policy of this kind was approved by a very general consent on the part of the House, it would lose a great deal of the weight which it was desirable it should possess. If the House had a doubt as to the degree of the evil, if there was a very strong feeling that it might not be expedient to deprive a large population such as that of Yarmouth and Lancaster entirely of their representation, and a proposition embodying that view were made, it would be a proposition deserving careful consideration and ought to be fairly discussed, and then it could be met with a decisive resolution and decisive action. But the present proposal, that they should do nothing but suspend the writ, would be looked upon by the country as mere trifling, and could but have a very bad effect. It was idle to mix up this great case with the case of Sudbury and St. Albans. The country knew that Sudbury and St. Albans were mere impostures, and if a few people there were convicted of bribery, the only feeling was to get rid of some obvious reproaches to the representative system. But if they came to the resolution that important places which had been offenders for a long time should no longer meet with impunity—whether they

utterly disfranchised entirely them or deprived them of one Member—a great effect would be produced upon the mind of the country. And if they accompanied action of that kind by passing a Bribery Bill, which it might be convenient for some hon. Members to treat as a very slight affair, but which, if his information was to be trusted, would come forth from the Select Committee before which it was now a very effective measure, they would do good service to the country. He did not believe that it was impossible for the House to deal with bribery—on the contrary, he thought that it was in their power to strike a great blow against it. Allusion had been made to the circumstances under which the present Parliament had been elected and to certain flagrant instances of corruption that had taken place. It was undoubtedly true that in a wealthy country like this there would always be individuals ready to lavish their money to gain a social distinction. Parliament could not fight against that, particularly in a great commercial country like England. At the same time, he thought the tendency of public opinion and the tendency of the sincere legislation of the House—although that legislation was sometimes spoken of with a levity which was scarcely warranted—were very much against bribery, and he was quite convinced that public opinion would be affected in the direction which they desired if they showed a determination to punish corrupt boroughs, whether large or small. If the Committee had chosen to entertain the proposal of an hon. Gentleman opposite to deprive the two large boroughs of only a moiety of their representatives, he should have been ready frankly to consider the question; but the Motion of his hon. and gallant Friend was so nugatory in its nature that he could not advise the Committee to adopt it.

SIR ROUNDELL PALMER said, he wished to correct a misconception on the part of the hon. and gallant Member for North Lancashire as to what he said on a former occasion. He had no thought of suggesting that individuals could appear before the Commissioners to show reasons why Lancaster should not be disfranchised; but he suggested that when an inquiry was going on of which every inhabitant was cognizant, all who were interested in adducing facts tending to exonerate the general population of the borough from the charge of corruption might have gone

before the Commissioners, whose duty it would certainly have been to hear them. If such facts could have been adduced there was then, he argued, ample opportunity of bringing them forward.

COLONEL WILSON PATTEN said, he had no wish to misrepresent the hon. and learned Gentleman, for whom he entertained great respect; but the reports of his speech gave a complexion to his argument different from what he had just stated.

SIR ROUNDELL PALMER said, he could not have imagined that it was for the Commissioners to decide whether the borough should be disfranchised or not, that being entirely a question for the House; but the inhabitants must have known that Parliament might be called on to take measures in consequence of the Commissioners' Report, and that those measures would depend on the facts ascertained by the Commissioners.

MR. BRIGHT asked the hon. and gallant Member for North Lancashire whether, after what had fallen from the Chancellor of the Exchequer, he ought not to withdraw his Amendment, with a view to their coming to an agreement as to the alternative proposition to which he thought the Chancellor of the Exchequer was inclined to give the preference?

COLONEL WILSON PATTEN said, he should be quite willing to withdraw his Amendment, but he had not understood the right hon. Gentleman to make any alternative proposition.

VISCOUNT CRANBORNE thought the notion of repressing bribery by taking one Member from these boroughs was perfectly absurd.

THE CHANCELLOR OF THE EXCHEQUER remarked, that there appeared to be some misconception. He had made no alternative proposition; but one had been given notice of by the hon. Member opposite (Mr. Baxter), and what he had said was that had the Committee entertained it he should have been ready to consider it. The Committee, however, had refused to listen to it, and he was not aware whether any hon. Members were in favour of it.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 87; Noes 159: Majority 72.

Clause, as amended, agreed to.

Clause 9 (Certain Boroughs to return one Member only).

MR. J. STUART MILL, who had given Notice of an Amendment in line 27, to leave out all after "From and after the," and insert—

"Passing of the present Bill, every local constituency shall, subject to the provisions hereinafter contained, return one Member for every quota of its registered electors actually voting at that election, such quota being a number equal to the quotient obtained by dividing by six hundred and fifty-eight the total number of votes polled throughout the kingdom at the same Election, and if such quotient be fractional, the integral number next less: Provided always, That where the number of votes given by the constituency shall not be equal to such quota, the quota may be completed by means of votes given by persons duly qualified as electors in any other part of the United Kingdom; and the candidate who shall have obtained such quota may notwithstanding be returned as Member for the said constituency if he shall have obtained a majority of the votes given therein as hereinafter mentioned.

(Elector to vote orally or by voting paper.—Voting paper may state a succession of names in case those named in priority have obtained the quota.)

2. Every elector shall vote at his appointed polling place, either orally as heretofore or by a voting paper, and may on such voting paper state in numerical order the names of any of the candidates at such general Election at one of whom, taken in regular succession, the vote shall be given in case those named first or in priority on such voting paper shall, before it comes to be appropriated, have obtained the quota; but no vote given orally shall be taken for more than one candidate, and no vote given on a voting paper shall be counted for more than one candidate: Provided, That nothing herein contained shall prevent the transmission of voting papers under the Act of the twenty-fourth and twenty-fifth years of Victoria, chapter fifty-three.

(What candidates are to be returned as Members.)

3. The candidates returned as Members shall be all those respectively for whom a quota of votes shall have been polled, whether in one or more than one constituency; and if less than six hundred and fifty-eight candidates have such quota, then those for whom the next greater number of votes have been polled, until the number of six hundred and fifty-eight shall be completed; and such of the six hundred and fifty-eight candidates chosen as aforesaid as have the majority or greater number of votes in any local constituency shall be returned as Members for such constituency.

(Vacated seats to be filled up by the voters who returned the last Member.)

4. Any seat vacated by the acceptance of office, promotion to the peerage, or death of a Member, shall be filled by election by the body or majority of the body of voters by whose actual votes he was returned.

(Speaker to lay before Parliament rules for ascertaining the number of votes polled of the quota, and for regulating form of voting

papers and declaring the names of the Members.)

5. The Speaker of the House of Commons shall cause to be framed and shall lay before Parliament such rules as may be necessary for ascertaining and for certifying to the returning officers the total number of votes polled, and the number of the quota, for regulating the form of the voting papers, and the record, collection, and disposition thereof, and the appropriation of the same in the order of the names on each paper, the method to be observed in determining and declaring the six hundred and fifty-eight members who have respectively obtained the quota or number of votes nearest to the quota; and for carrying the provisions of this Act into effect in any matter not otherwise provided for; and such rules shall, if the House shall so resolve, be entered on the Journals, and the same, when so entered, with any amendment or amendments thereof, at any time adopted by the Resolution of the House, shall be observed and performed at all future Elections by all officers and persons to whose duties respectively the same relate."

said: Sir, the proposal to which I am about to call the attention of the House, and which I move as an Amendment to the re-distribution clauses, because if it were adopted it would itself constitute a complete system of re-distribution, has been framed for the purpose of embodying a principle which has not yet been introduced into our discussions—a principle which is overlooked in the practical machinery of our constitution, and disregarded in most of the projects of constitutional reformers, but which I hold, nevertheless, to be most important to the beneficial working of representative government; and if while we are making great changes in our system of representation we omit to engraft this principle upon it, the advantages we obtain by our changes will be very much lessened, and whatever dangers they may be thought to threaten us with, will be far greater and more real than they otherwise would be. And this I think I can establish by reasons so clear and conclusive, that, though I cannot expect to obtain at once the assent of the House, I do confidently hope to induce many Members of it to take the subject into serious consideration. I cannot, indeed, hold out as an inducement that the principle I contend for is fitted to be a weapon of attack or defence for any political party. It is neither democratic nor aristocratic—neither Tory, Whig, nor Radical; or, let me rather say, it is all these at once; it is a principle of fair play to all parties and opinions without distinction; it helps no one party or section to bear down others, but is for the benefit of whoever is in danger of being borne down. It is therefore a principle in which all parties may concur, if

they prefer permanent justice to a temporary victory; and I believe that what chiefly hinders them is that, as the principle has not yet found its way into the common-places of political controversy, many have never heard of it, and many others have heard just enough about it to misunderstand it. In bringing this subject before the House, I am bound to prove two things—first, that there is a serious practical evil requiring remedy; and then, that the remedy I propose is practicable, and would be efficacious. I will first speak of the evil. It is a great evil; it is one which exists not only in our own, but in every other representative constitution; we are all aware of it; we all feel and acknowledge it in particular cases; it enters into all our calculations, and bears with a heavy weight upon us all. But as we have always been used to think of it as incurable, we think of it as little as we can; and are hardly aware how greatly it affects the whole course of our affairs, and how prodigious would be the gain to our policy, to our morality, to our civilization itself, if the evil were susceptible of a remedy. This House and the country are now anxiously engaged, and certainly not a day too soon, in considering what can be done for the unrepresented. We are all discussing how many non-electors deserve to be represented, and in what mode to give them representation. But my complaint is that the electors are not represented. The representation which they seem to have, and which we have been quarrelling about the extension of, is a most imperfect and insufficient representation, and this imperfect and insufficient representation is what we are offering to the new classes of voters whom we are creating. Just consider. In every Parliament there is an enormous fraction of the whole body of electors who are without any direct representation; consisting of the aggregate of the minorities in all the contested elections, together with we know not what minorities in those which, from the hopelessness of success, have not even been contested. All these electors are as completely blotted out from the constituency, for the duration of that Parliament, as if they were legally disqualified; most of them, indeed, are blotted out indefinitely, for in the majority of cases those who are defeated once are likely to be defeated again. Here therefore is a large portion of those whom the Constitution intends to be represented, a portion which cannot average less than a third,

and may approximate to a half, who are virtually in the position of non-electors. But the local majorities, are they truly represented? In a certain rough way they are. They have a Member or Members who are on the same side with themselves in party politics; if they are Conservatives, they have a professed Conservative; if Liberals, a professed Liberal. This is something; it is a great deal, even; but is it everything? Is it of no consequence to an elector who it is that sits in Parliament as his representative, if only he does not sit on the wrong side of the House? Sir, we need more than this. We all desire not only that there should be a sufficient number of Conservatives or of Liberals in the House, but that these should, as far as possible, be the best men of their respective parties; and the elector, for himself, desires to be represented by the man who has most of his confidence in all things, and not merely on the single point of fidelity to a party. Now, this is so entirely unattainable under the present system, that it seems like a dream even to think of it. As a rule, the only choice offered to the elector is between the two great parties. There are only as many candidates of each party as there are seats to be filled; to start any others would divide the party, and in most cases ensure its defeat. And what determines who these candidates are to be? Sometimes the mere accident of being first in the field. Sometimes the fact of having stood and been defeated on some previous occasion, when the sensible men of the party did not engage in the contest, because they knew it to be hopeless. In general, half-a-dozen local leaders, who may be honest politicians, but who may be jobbing intriguers, select the candidate; and whether they are of the one kind or the other, their conduct is much the same—they select the gentleman who will spend most money; or, when this indispensable qualification is equally balanced, it answers best to propose somebody who has no opinions but the party ones; for every opinion which he has of his own, and is not willing to abnegate, will probably lose him some votes, and give the opposite party a chance. How many electors are there, I wonder, in the United Kingdom who are represented by the person, whom, if they had a free choice, they would have themselves selected to represent them? In many constituencies, probably not one. I am inclined to think that almost the only electors who are re-

presented exactly as they would wish to be are those who were bribed, for they really have got for their Member the gentleman who bribed highest. Sometimes, perhaps, the successful candidate's own tenants would have voted for him in preference to anyone else, however wide a choice had been open to them. But in most cases the selection is the result of a compromise; even the leaders not proposing the man they would have liked best, but being obliged to concede something to the prejudices of other members of the party. Having thus, as I think, made out a sufficient case of evil requiring remedy, let me at once state the remedy I propose. My proposal, then, is this:—That votes should be received in every locality, for others than the local candidates. An elector who declines to vote for any of the three or four persons who offer themselves for his own locality, should be allowed to bestow his vote on any one who is a candidate anywhere, whether put up by himself or by others. If the elector avails himself of this privilege, he will naturally vote for the person he most prefers—the one person among all that are willing to serve, who would represent him best: and if there are found in the whole kingdom other electors, in the proper number, who fix their choice on the same person, that person should be declared duly elected. Some number of electors there must be who may be considered entitled to one representative. What that number is, depends on the numbers of the House, compared with the total number of electors in the country. Suppose that there is one Member for every 5,000 registered electors, or one for every 3,000 actual voters: then every candidate who receives 3,000 votes would be returned to this House, in whatever parts of the country his voters might happen to live. This is the whole of my proposal, as far as its substance is concerned. To give it effect, some subsidiary arrangements are necessary, which I shall immediately state. But I must first notice an objection which presents itself on the threshold, and has so formidable an appearance that it prevents many persons from giving any further consideration to the subject. It is objected that the plan destroys the local character of the representation. Every constituency, it is said, is a group having certain interests and feelings in common, and if you disperse these groups by allowing the electors to group themselves in other combinations, those interests and

feelings will be deprived of their representation. Now I fully admit that the interests and feelings of localities ought to be represented; and I add that they always will be represented; because those interests and feelings exist in the minds of the electors; and as the plan I propose has no effect but to give the freest and fullest play to the individual elector's own preferences, his local preferences are certain to exercise their proper amount of influence. I do not know what better guardian of a feeling can be wanted than the man who feels it, or how it is possible for a man to have a vote, and not carry his interests and feelings, local as well as general, with him to the polling-booth. Indeed, it may be set down as certain that the majority of voters in every locality will generally prefer to be represented by one of themselves, or one connected with the place by some special tie. It is chiefly those who know themselves to be locally in a minority, and unable to elect a local representative of their opinions, who would avail themselves of the liberty of voting on the new principle. As far as the majority were concerned, the only effect would be that their local leaders would have a greatly increased motive to find out and bring forward the best local candidate that could be had; because the electors, having the power of transferring their votes elsewhere, would demand a candidate whom they would feel it a credit to vote for. The average quality of the local representation would consequently be improved; but local interests and feelings would still be represented, as they cannot possibly fail to be, as long as every elector resides in a locality. If, however, the House attaches any weight to this chimerical danger, I would most gladly accept by way of experiment a limited application of the new principle. Let every elector have the option of registering himself either as a local or as a general voter. Let the elections for every county or borough take place on the local registry, as they do at present. But let those who choose to register themselves as members of a national constituency have representatives allowed to them in proportion to their number; and let these representatives and no others be voted for on the new principle. I will now state the additional but very simple arrangements required to enable the plan to work. Supposing 3,000 voters to be the number fixed upon as giving a claim to a representative, it is necessary that no more than

this minimum number should be counted for any candidate; for otherwise a few very eminent or very popular names might engross nearly all the votes, and no other person might obtain the required number, or any number that would justify his return. No more votes, then, being counted for any candidate than the number necessary for his election, the remainder of those who voted for him would lose their vote, unless they were allowed to put on their voting paper a second name, for whom the vote could be used if it was not wanted by the candidate who stood first. In case this second candidate also should not need the vote, the voter might add a third, or any greater number, in the order of his preference. This is absolutely all that the elector would have to do, more than he does at present; and I think it must be admitted that this is not a difficult idea to master, and not beyond the comprehension of the simplest elector. The only persons on whom anything more troublesome would devolve are the scrutineers, who would have to sort the voting papers, and see for which of the names written in it each of them ought to be counted. A few simple rules would be necessary to guide the scrutineers in this process. My Amendment intrusts the duty of drawing up those rules to the judgment and experience of the right hon. Gentleman who presides over our deliberations, subject to the approbation of the House. Let me now ask hon. Members—Is there anything in all this, either incomprehensible, or insuperably difficult of execution? I can assure the House that I have not concealed any difficulty. I have given a complete, though a brief, account of what most hon. Members must have heard of, but few, I am afraid, know much about—the system of personal representation proposed by my eminent friend, Mr. Hare—a man distinguished by that union of large and enlightened general principles with an organizing intellect and a rare fertility of practical contrivance, which together constitute a genius for legislation. People who have merely heard of Mr. Hare's plan have taken it into their heads that it is particularly hard to understand and difficult to execute. But the difficulty is altogether imaginary. To the elector there is no difficulty at all; to the scrutineers, only that of performing correctly an almost mechanical operation. Mr. Hare, anxious to leave nothing vague or uncertain, has taken the trouble to discuss in his book the whole detail of the

mode of sorting the voting papers. People glance at this, and because they cannot take it all in at a glance, it seems to them very mysterious. But when was there any Act of Parliament that could be understood at a glance? and how can gentlemen expect to understand the details of a plan, unless they first possess themselves of its principle? If we were to read a description, for example, of the mode in which letters are sorted at the Post Office, would it not seem to us very complicated? Yet, among so vast a number of letters, how seldom is any mistake made. Is it beyond the compass of human ability to ascertain that the first and second names on a voting paper have been already voted for by the necessary quota, and that the vote must be counted for the third? And does it transcend the capacity of the agents of the candidates, the chief registrar, or a Committee of this House, to find out whether this simple operation has been honestly and correctly performed? If these are not insuperable difficulties, I can assure the House that they will find there are no others. Many will think that I greatly over-estimate the importance of securing to every elector a direct representation; because those who are not represented directly are represented indirectly. If Conservatives are not represented in the Tower Hamlets, or Liberals in West Kent, there are plenty of Conservatives and Liberals returned elsewhere; and those who are defeated may console themselves by the knowledge that their party is victorious in many other places. Their party, yes; but is that all we have to look to? Is representation of parties all we have a right to demand from our representative system? If that were so, we might as well put up three flags inscribed with the words, Tory, Whig, and Radical, and let the electors make their choice among the flags: and when they have voted, let the leaders of the winning party select the particular persons who are to represent it. In this way we should have, I venture to say, an admirable representation of the three parties; all the seats which fell to the lot of each party would be filled by its steadiest and ablest adherents, by those who would not only serve the party best in the House, but do it most credit with the country. All political parties, merely as such, would be far better represented than they are now, when accidents of personal position have so great a share in determining who shall

be the Liberal or who the Conservative Member for each place. Why is it, then, that such a system of representation would be intolerable to us? Sir, it is because we look beyond parties; because we care for something besides parties; because we know that the constitution does not exist for the benefit of parties, but of citizens; and we do not choose that all the opinions, feelings, and interests of all the members of the community should be merged in the single consideration of which party shall predominate. We require a House of Commons which shall be a fitting representative of all the feelings of the people, and not merely of their party feelings. We want all the sincere opinions and public purposes which are shared by a reasonable number of electors to be fairly represented here; and not only their opinions, but that they should be able to give effect by their vote to their confidence in particular men. Then why, because it is a novelty, refuse to entertain the only mode in which it is possible to obtain this complete reflection in the House of the convictions and preferences existing in the constituent body? By the plan I propose every elector would have the option of voting for the one British subject who best represented his opinions, and to whom he was most willing to intrust the power of judging for him on subjects on which his opinions were not yet formed. Sir, I have already made the remark, that this proposal is not specially Liberal, nor specially Conservative, but is, in the highest degree, both Liberal and Conservative; and I will substantiate this by showing that it is a legitimate corollary from the distinctive doctrines of both parties. Let me first address myself to Conservatives. What is it that persons of Conservative feelings specially deprecate in a plan of Parliamentary reform? It is the danger that some classes in the nation may be swamped by other classes. What is it that we are warned against as the chief among the dangers of democracy? not untruly as democracy is vulgarly conceived and practised. It is that the single class of manual labourers would, by dint of numbers, outvote all other classes, and monopolise the whole of the Legislature. But by the plan I propose no such thing could happen; no considerable minority could possibly be swamped; no interest, no feeling, no opinion, which numbered in the whole country a few thousand adherents, need be without a representation in due proportion

to its numbers. It is true that by this plan a minority would not be equivalent to a majority; a third of the electors could not outvote two-thirds, and obtain a majority of seats; but a third of the electors could always obtain a third of the seats; and these would probably be filled by men above the average in the influence which depends on personal qualities: for the voters who were outnumbered locally, would range the whole country for the best candidate, and would elect him without reference to anything but their personal confidence in him. The representatives of the minorities would, therefore, include many men whose opinion would carry weight even with the opposite party. Then, again, it is always urged by Conservatives, and is one of the best parts of their creed, that the legislators of a nation should not all be men of the same stamp. A variety of feelings, interests, and prepossessions, should be found in this House; and it should contain persons capable of giving information and guidance on every topic of importance that is likely to arise. This advantage, we are often assured, has really been enjoyed under our present institutions, by which almost every separate class or interest which exists in the country is somehow represented, with one great exception, which we are now occupied in removing—that of manual labour. And this advantage many Conservatives think that we are now in danger of losing. But the plan I propose ensures this variegated character of the representation in a degree never yet obtained, and guarantees its preservation under any possible extension of the franchise. Even universal suffrage, even the handing over of political predominance to the numerical majority of the whole people, would not then extinguish minorities. Every dissentient opinion would have the opportunity of making itself heard, and heard through the very best and most effective organs it was able to procure. We should not find the rich or the cultivated classes retiring from politics, as we are so often told they do in America, because they cannot present themselves to any body of electors with a chance of being returned. Such of them as were known and respected out of their immediate neighbourhood would be elected in considerable numbers, if not by a local majority, yet by a union of local minorities; and instead of being deterred from offering themselves, it would be the pride and glory of such men to serve in Parliament; for what more

inspiring position can there be for any man, than to be selected to fight the up-hill battle of unpopular opinions, in a public arena, against superior numbers? All, therefore, which the best Conservatives chiefly dread in the complete ascendancy of democracy, would be, if not wholly removed, at least diminished in a very great degree. These are the recommendations of the plan when looked at on its Conservative side. Let us now look at it in its democratic aspect. I claim for it the support of all democrats as being the only true realization of their political principles. What is the principle of democracy? Is it not that everybody should be represented, and that everybody should be represented equally? Am I represented by a Member against whom I have voted, and am ready to vote again? Have all the voters an equal voice, when nearly half of them have had their representative chosen for them by the larger half? In the present mode of taking the suffrages nobody is represented but the majority. But that is not the meaning of democracy. Honest democracy does not mean the displacement of one privileged class, and the instalment of another in a similar privilege because it is a more numerous or a poorer class. That would be a mere pretence of democratic equality. That is not what the working classes want. The working classes demand to be represented, not because they are poor, but because they are human. No working man whom I have conversed with desires that the richer classes should be unrepresented, but only that their representation should not exceed what is due to their numbers—that all classes should have, man for man, an equal amount of representation. He does not desire that the majority should be alone represented. He desires that the majority should be represented by a majority, and the minority by a minority: and they only need to have it shown to them how this can be done. But I will go further. It is not only justice to the minorities that is here concerned. Unless minorities are counted, the majority which prevails may be but a sham majority. Suppose that on taking a division in this House, you compelled a large minority to step aside, and counted no votes but those of the majority; whatever vote you then took would be decided by the majority of that majority. Does not every one see that this would often be deciding it by a minority? The mere majority of a majority may be a minority

of the whole. Now, what I have been hypothetically supposing to be done in this House, the present system actually does in the nation. It first excludes the minorities at all the elections. Not a man of them has any voice at all in determining the proceedings of Parliament. Well, now: if the Members whom the majorities returned were always unanimous, we should be certain that the majority in the nation had its way. But if the majorities, and the Members representing them, are ever divided, the power that decides is but the majority of a majority. Two-fifths of the electors, let us suppose, have failed to obtain any representation. The representatives of the other three-fifths are returned to Parliament, and decide an important question by two to one. Supposing the representatives to express the mind of their constituents, the question has been decided by a bare two-fifths of the nation, instead of a majority of it. Thus the present system is no more just to majorities than to minorities. It gives no guarantee that it is really the majority that preponderates. A minority of the nation, if it is a majority in the prevailing party, may outnumber and prevail over a real majority in the nation. Majorities are never sure of outnumbering minorities unless every elector is counted—unless every man's vote is as effective as any other man's in returning a representative. No system but that which I am submitting to the House effects this, because it is the only system under which every vote tells, and every constituency is unanimous. This system, therefore, is equally required by the Conservative and by the Radical creeds. In practice, its chief operation would be in favour of the weakest—of those who were most liable to be outnumbered and oppressed. Under the present suffrage it would operate in favour of the working classes. Those classes form the majority in very few of the constituencies, but they are a large minority in many, and if they amount, say to a third of the whole electoral body, this system would enable them to obtain a third of the representation. Under any suffrage approaching to universal, it would operate in favour of the propertied and of the most educated classes; and though it would not enable them to outvote the others, it would secure to them, and to the interests they represent, a hearing, and a just share in the representation. I am firmly persuaded, Sir, that all parties in this House and in

the country, if they could but be induced to give their minds to the consideration of this proposal, would end by being convinced, not only that it is entirely consistent with their distinctive principles, but that it affords the only means by which all that is best in those principles can be practically carried out. It would be a healing, a reconciling measure : softening all political transitions, securing that every opinion, instead of conquering or being conquered by starts and shocks, and passing suddenly from having no power at all in Parliament to having too much, or the contrary, should wax or wane in political power in exact proportion to its growth or decline in the general mind of the country. So perfectly does this system realize the idea of what a representative Government ought to be, that its perfection stands in its way, and is the great obstacle to its success. There is a natural prejudice against everything which professes much. Men are unwilling to think that any plan which promises a great improvement in human affairs, has not something quackish about it. I cannot much wonder at this prejudice, when I remember that no single number of a daily paper is published whose advertising columns do not contain a score of panaceas for all human ills ; when, in addition to all the pamphlets which load our tables, every Member of this House, I suppose, daily receives private communications of plans by which the whole of mankind may at one stroke be made rich and prosperous, generally, I believe, by means of paper money. But if this age is fertile in new nonsense, and in new forms of old nonsense, it is an age in which many great improvements in human affairs have really been made. It is also an age in which, whether we will or not, we are entering on new paths ; we are surrounded by circumstances wholly without example in history ; and the wonder would be if exigencies so new could be dealt with in a completely satisfactory manner by the old means. We should therefore ill-discharge our duty if we obstinately refused to look into new proposals. This, Sir, is not the mere crotchet of an individual. It has been very few years before the world, but already, by the mere force of reason, it has made important converts among the foremost public writers and public men in Germany, in France, in Switzerland, in Italy, in our Australian colonies, and in the United States. In one illustrious though small commonwealth, that of Geneva, a power-

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ful association has been organized and is at work, under the presidency of one of the most eminent men in the Swiss federation, agitating for the reform of the constitution on this basis. And what in our own country? Why, Sir, almost every thinking person I know who has studied this plan, or to whom it has been sufficiently explained, is for giving it at least a trial. Various modes have been suggested of trying it on a limited scale. With regard to the practical machinery proposed, neither I nor the distinguished author of the plan are wedded to its details, if any better can be devised. If the principle of the plan were admitted, a Committee or a Royal Commission could be appointed to consider and report on the best means of providing for the direct representation of every qualified voter ; and we should have a chance of knowing if the end we have in view could be attained by any better means than those which we suggest. But without some plan of the kind it is impossible to have a representative system really adequate to the exigencies of modern society. In all states of civilization, and in all representative systems, personal representation would be a great improvement ; but at present, political power is passing, or is supposed to be in danger of passing, to the side of the most numerous and poorest class. Against this class predominance, as against all other class predominance, the personal representation of every voter, and therefore the full representation of every minority, is the most valuable of all protections. Those who are anxious for safeguards against the evils they expect from democracy should not neglect the safeguard which is to be found in the principles of democracy itself. It is not only the best safeguard, but the surest and most lasting : because it combats the evils and dangers of false democracy by means of the true, and because every democrat who understands his own principles must see and feel its strict and impartial justice.

Amendment proposed, at page 4, line 27, after the word "the," to insert the words—

"Passing of the present Bill, every local constituency shall, subject to the provisions hereinafter contained, return one Member for every quota of its registered electors, actually voting at that election."—(*Mr. J. Stuart Mill.*)

Question proposed, "That those words be there inserted."

VISCOUNT CRANBORNE said, that although he should not be accused of any sympathy with the opinions of the hon. Gentleman who had just resumed his seat. he ventured to enter his most earnest protest against the mode in which several Members of that House were inclined to treat anything that ran out of the common ruck—and introduced them to schemes and ideas which former debates had not reached. The scheme of the hon. Gentleman was not new—he should not have thought that it was new to many Members of that House; the literature of the country had been full of it for three or four years. They all instinctively felt that it was a scheme that had no chance of success. It was not of our atmosphere—it was not in accordance with our habits; it did not belong to us. They all knew that it could not pass. Whether that was creditable to the House or not was a question into which he would not inquire; but every Member of the House the moment he saw the scheme upon the Paper saw that it belonged to the class of impracticable things. But he did not in the least agree in the conclusion which hon. Gentlemen appeared to have drawn—that because it could not now go to the vote and pass into law, it was not a fit thing for the representatives of the people to discuss. He would venture to say that any scheme with reference to representation that had been largely discussed by cultivated minds out of doors—nay, he would go a step further and say that any scheme which had been deeply thought over and earnestly advocated by one who occupied so high a position in the world of letters as the hon. Member for Westminster—was worthy of respectful treatment by the House of Commons. It seemed to him that the evil which the hon. Gentleman had pointed out was real, but that the remedy which he had proposed, even if it were practicable, would only be partial. It was impracticable. But there was a real evil. We were in danger of drifting into a system of nomination caucuses such as were to be seen in operation in America, and such as would arise wherever there were large multitudes in each constituency. Wherever the multitude was so large that it swamped all local influence, that it destroyed every special local interest, what happened was the introduction of the hard machinery of local party organization conducted by party managers, men who gave up their lives to the task, not usually men of the purest motives

or highest character; and the danger, now that we were following so closely in the footsteps of America, was that it was into the hands of those men, and not into the hands of those who had hitherto been recognised as the leaders of the people, that the practical government of this country would fall. The hon. Member for Westminster had courageously suggested a remedy for these evils, and his remedy practically amounted to this—that all those who had obtained any considerable celebrity throughout the country would find their way into the House of Commons. That was the pith of the scheme of the hon. Gentleman. He (Viscount Cranborne) was bound to say that he thought the evil and the remedy were in some degree equally chargeable to the hon. Gentleman himself and to the school to which he belonged. They had been led to a certain point by the philosophers. If they had got to household suffrage it was not from a sense of practical need, but owing to the pressure of philosophical arguments. If, indeed, they were to be altogether handed over to the philosophers, he for one should have no great fear as to the result. Their great ability would be likely to lead to a consummation which would not be undesirable; but if they were handed over to the unphilosophical mind of England he should like it better. They had been in charge of that element for centuries past, and they had no reason to complain of the result. What he dreaded and deprecated, and what he feared was coming on, was that the unphilosophical mind of England would be drawn by the philosophers to a certain point—and that when that point was reached they would recoil from the remedies which the philosophers would recommend for the evils incident to the advanced political conditions of society. It was the mixing of the two—the putting of the new wine into the old bottles—that would produce the evils which he apprehended. Household suffrage had been conceded upon principles purely theoretical, but directly a remedy purely theoretical for the evils of an extended suffrage was offered they recoiled from it as something too impractical to be adopted. That he felt to be a considerable danger, but he still entertained a hope that although no vote or agreement would be arrived at on that occasion, hon. Members would study the eloquent speech which the hon. Member for Westminster had delivered. He hoped so on this ground—that though he did not believe the House of Commons would ever be elected on the

principle of the plan now laid before them, yet he feared, on the other hand, the result would be that persons who were unwilling to shape their every idea and feeling by the test of party—to put their consciences wholly into the keeping of local party leaders—would be entirely excluded from the House of Commons. If this was, as he believed, the result to which they were tending, it might be of great advantage that there should be a system by which a certain number of the Members of the House—say fifty or 100—should be able to appeal to the whole of England as their constituency, and be returned independently of local and party considerations. He did not profess to be a disciple of the hon. Member for Westminster; but he felt that the House of Commons was scarcely doing itself justice in not giving some attention to proposals which had evidently been deeply thought of, earnestly supported out of doors, and advocated that evening in a speech of no common eloquence and ability.

MR. MORRISON said, he was sure he spoke the sense of many Gentlemen on both sides of the House when he thanked the noble Lord (Viscount Cranborne) for the observations he had just addressed to the Committee—observations which were all more welcome coming as they did from so keen a political opponent of the hon. Member for Westminster as the noble Lord was known to be. He might also be allowed to thank the hon. Member for Westminster on behalf of a still larger number out of doors for the courage he had shown in introducing to their notice a subject so wide, so difficult, and at the same time, he feared, very unpopular, because so thoroughly misunderstood. Assuming the scheme embodied in the present proposal to be that of Mr. Hare, which was familiar to Members of the House, he might be allowed to say a few words balancing its advantages and disadvantages. The hon. Member for Westminster said if the scheme was adopted it would do away with the evils of party government; but it was worthy of consideration whether it would not also do away with the advantages of party government? All who were familiar with the working of that system would admit that, without party organization, it would be impossible to deal with the mass of legislation that came before them every year; and if the present plan were adopted, it would be necessary that the House should confine itself to general matters, or should leave

all details to be adopted by other bodies independent of itself. The hon. Member for Westminster had not very clearly explained in detail how the votes would be collected and kept. There might be considerable practical evil in putting so much into the hands of the Executive Government; a crisis might arise in which the power of mutilating the returns would be a most serious evil—in any case, there was danger of parties having charge of these voting papers adding fictitious votes to the aggregate of the different candidates. He also feared the plan would render bribery even more easy than it was at present. A certain number of Members would be returned without any pecuniary expenditure; but great facility would be given to electioneering agents to purchase votes all over the country, and sell them to the highest bidder. On the other hand, the system would carry out democracy, or popular government, to its logical consequences. Every minority would be represented in proportion to its numbers, weight, talent, and influence. The result, he thought, would be to increase the interest felt in public affairs throughout the community—to raise the character of the House of Commons, of legislation, and the country. He was aware that the proposition could not be adopted on that occasion, and he was bound to say that it could hardly be desirable that a scheme of such magnitude and importance should receive the sanction of the House without much further consideration than it could receive on that occasion.

MR. BERESFORD HOPE repeated the thanks of his noble Friend to the hon. Member for Westminster for having broken into these distempered debates by the production of this scheme; at the same time, while fully admitting the good intentions of the hon. Gentleman and the great ability with which the scheme was propounded, he must be allowed to think it was impracticable. There were many practical difficulties in the proposal as to which the hon. Member ought to have given fuller information. It would inevitably give rise to a wide system of corruption, and he did not see how it would be possible to prevent the establishment of a large electoral agency throughout the country for the arrangement and manipulation of the votes. He thought the hon. Member ought to have stated more fully the machinery by which he proposed that the votes should be taken.

MR. SERJEANT GASELEE said, that if he wanted any argument to show that the

House could come to no practical conclusion by discussing these philosophical eccentricities he should be able to find it in the speech of the noble Lord the Member for Stamford (Viscount Cranborne.) He (Mr. Serjeant Gaselee) had himself an important Amendment upon the Paper, and being, perhaps, more anxious than the noble Lord that this Bill should pass, he was unwilling that the time of the House should be taken up by discussing subjects like the one then before it, or that the House should be turned into a debating society. This plan was the production of Mr. Hare and was an emanation from Gooseberry Hall. He asked the House to turn from the amusement they had had that night to more serious business. The proposition was not introduced for the purpose of enabling gentlemen who presented themselves as candidates to be elected, but to enable gentlemen, and perhaps even ladies, to be elected in whatever part of the world they might be. He wanted to know who was to collect the votes from every part of the world, and who was to pay the expenses of collecting them. Under this proposal persons might be elected without canvassing and without their knowledge. They were told that this system would introduce great celebrities into the House. Now he (Mr. Serjeant Gaselee) did not see much advantage in having "celebrities" in the House of Commons. Practical men should be chosen in localities where they were known and respected. The noble Lord appeared to him to deprecate at one time philosophers, and at another practical sense. Would he wish to see the House of Commons formed entirely of philosophers? If so, God help them, for it would be totally impossible for them to arrive at a practical decision on any point. He had no hesitation in saying that the proposition, however good in theory, would prove in practice utterly absurd.

MR. GRANT DUFF: I earnestly beg my hon. Friend the Member for Westminster not to go to a division upon this question. If he does so, he will do great injustice to his own views, for the House is evidently impatient to pass to other matters, and unwilling even to discuss the proposal now before us. That proposal, which has been so much talked of out of doors, appears for the first time to-night in this arena, but there can be no doubt that it will recur again and again, and it is more than probable, when we have pro-

ceeded further on the road to democracy, on which we have just taken, and, as I think, wisely taken, so considerable a step, we shall have to pass, if not this measure, something not very dissimilar to it. I earnestly beg my hon. Friend, under present circumstances, not to divide, and I wish, Sir, before I sit down, to tender my warmest thanks to the noble Lord opposite, the Member for Stamford. By his noble and generous speech he has saved the House from a great dishonour, and he may rely upon it that his influence here will not be diminished by having won, for once, the sympathy and admiration of some of the keenest of his opponents.

MR. FORT, whose address was inaudible amid cries for a division, and who admitted his inability to "speak up," addressed the House shortly.

THE CHANCELLOR OF THE EXCHEQUER said, he was very glad that the hon. Member for Westminster had had this opportunity of bringing forward the subject. He had not offered any obstacle to his doing so, but, as he thought the hon. Member would admit, assisted him as far as he could. As this and kindred subjects would no doubt hereafter form the subject of discussion in Parliament, it was well that this question had fallen into such competent hands. If the hon. Gentleman did not divide on his Amendment — and he supposed he would not — he thought they ought to report Progress after the long discussion which had taken place.

MR. J. STUART MILL said, he would obey what appeared to be the general wish of the House, and would not press his Amendment to a division; but there were many things which he might have said in reply if the temper of the House had permitted. He must, however, follow his hon. Friend behind him in thanking the noble Lord the Member for Stamford (Viscount Cranborne) for his able speech, and for the conviction he had expressed that statesmen must make up their minds to think upon this subject as the only way of getting over a difficulty that must be got over. He must also express his warm acknowledgments to the Chancellor of the Exchequer for the manner in which he had dealt with the question.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER then moved that the Chairman report Progress.

[Committee—Clause 9.]

An hon. MEMBER suggested that the Bill should be re-printed.

THE CHAIRMAN said, that the Committee had no power to make an order to that effect.

House resumed.

Committee report Progress; to sit again To-morrow, at Two of the clock.

VISCOUNT CRANBORNE said, that he thought the Bill ought to be re-printed as it stood.

THE CHANCELLOR OF THE EXCHEQUER said, the House had no power to make an Order for that purpose. It might, perhaps, be within the Speaker's prerogative to do so; but if so unusual a course were taken it must be at a time when the re-printing would not interfere with the progress of the Bill. The Committee were to proceed with the Bill to-morrow.

MR. SPEAKER said, on the point of re-printing the Bill, he would communicate with the Chancellor of the Exchequer and see what could be done to meet the wish of the House.

INDUSTRIAL AND PROVIDENT SOCIETIES ACTS AMENDMENT BILL.

On Motion of Mr. THOMAS HUGHES, Bill to amend the Industrial and Provident Societies Acts, *ordered* to be brought in by Mr. THOMAS HUGHES and Mr. BRIGHT.

ECCLESIASTICAL TITLES AND ROMAN CATHOLIC RELIEF ACTS—NOMINA- TION OF SELECT COMMITTEE.

Motion made, and Question proposed,

"That Mr. MacEvoy be one of the Members of the Select Committee on Ecclesiastical Titles and Roman Catholic Relief Acts."

COLONEL GILPIN objected to the nomination of the Committee. The Reform Bill had taken up so much time that this question had not received the consideration to which it was entitled. This was not an Irish, but a national question, and, knowing that the Act to which it related had been passed with the general approbation of the country, he begged to move that the Committee be appointed that day six months.

COLONEL STUART KNOX, in seconding the Amendment, said, that in the early part of the evening he had asked the hon. Member for Meath (Mr. MacEvoy) whether he would not consent to have the Committee nominated by the Committee of Selection; and the hon. Gentleman, in-

The Chancellor of the Exchequer

instead of replying to the question, asked him whether he could speak for hon. Members on his side. Of course he could not do that, so the only thing left for him to do was to oppose the hon. Gentleman's Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the nomination of the Select Committee be postponed until this day six months,"—(*Colonel Gilpin*,)

—instead thereof.

MR. CHICHESTER FORTESCUE said, the House had a right to know the opinions of the Government on the matter. He did not think any good would come of the proposed Committee; if he did, he should be quite willing to serve upon it.

LORD NAAS said, that the Chancellor of the Exchequer the other night had explained the reason why the Government had consented to the appointment of the Committee. It was that this question, the agitation of which might otherwise excite much angry feeling, might be discussed quietly, and the House had generally concurred in the arrangement.

MR. NEWDEGATE said, that if the Government intended to repeal the Ecclesiastical Titles Act they ought to state their intentions to the House. He had been named as one of the proposed Committee; but he could not consent to serve unless the Government should take care to have one of their Law Officers, who, he understood, was willing to serve, appointed on it, and also the right hon. and learned Member for Edinburgh (Mr. Moncreiff), who was also willing.

MR. VANCE condemned the proposed Committee as unfair, consisting of ten in favour of the Mover's view and five against, instead of eight on one side and seven on the other, which was the usual proportion.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 69; Noes 42: Majority 27.

Original Question again proposed.

SIR BROOK BRIDGES moved the adjournment of the debate.

LORD NAAS hoped that if any objections existed to the constitution of the Committee, they would at once be stated, it being the wish of the Government that it

should be composed of Members likely to give an unbiassed opinion, and that all opinions should be fairly represented. Of the fifteen Gentlemen proposed, seven sat on that (the Ministerial), and eight on the opposite side of the House, and two were Gentlemen professing the Roman Catholic religion. He had no objection to two names being added; but with regard to the Solicitor General, it must be remembered that the Law Officers of the Crown had their time very much occupied, and it was doubtful whether he could give sufficient attention to the matter. If it was desired that the right hon. and learned Member for Edinburgh (Mr. Moncreiff) should be placed upon it he would offer no objection. The Government simply desired that a question likely to provoke considerable animosity if discussed in the House should be calmly considered by a Select Committee.

MR. VANCE expressed his belief that ten Gentlemen of those proposed would report for the repeal of the Act, and five against it.

COLONEL W. STUART contended that some of the Legal Advisers of the Crown ought to be placed on the Committee.

MR. NEWDEGATE hoped the Motion for adjournment would be pressed.

COLONEL STUART KNOX could not understand why a reference to the Committee of Selection should be objected to, if it were desired to have a fair Committee.

MR. MONK thought a judicious selection had been made, two-thirds being English Members.

MR. P. WYKEHAM MARTIN thought it useless at that late hour to resist the Motion for adjournment.

Motion made, and Question put, "That the Debate be now adjourned." — (*Sir Brook Bridges.*)

The House divided:—Ayes 39; Noes 70: Majority 31.

Original Question again proposed.

SIR HENRY EDWARDS said, it was now half past one o'clock a.m., and the Speaker had to take the Chair at two o'clock p.m.; he therefore moved that the House do now adjourn.

MR. AYRTON said, that hon. Members opposite might not be aware that they were making a most novel proposition. He could not remember that on a public matter of this kind the Committee of Selec-

tion had ever been called upon to nominate a Committee.

MR. LOWTHER thought the course suggested by the hon. and learned Gentleman was a most invidious one. He was anxious that all grievances of the Roman Catholics should be redressed, but that it should be done in a legitimate manner.

MR. NEWDEGATE said, this was really an English question, and Dr. Manning was moving in it exactly as Cardinal Wiseman had done.

MR. PIM said, the question was neither an English nor Irish question exclusively, but an Imperial question.

MR. MACÉVOY said, he moved in this matter solely through his own feelings, and not by the instigation of Dr. Manning or any other Bishop.

MR. NEWDEGATE apologized to the hon. Member for Meath if he had said anything offensive to him; but having looked through the usual channels of information, he—"Order!"

COLONEL STUART KNOX suggested that if the hon. Member for Meath had no confidence in the Committee of Selection, he should allow the Committee to be appointed by the Committee of Elections.

LORD NAAS advised the hon. Member for Meath to consent to an adjournment, and hoped that, if objection was entertained to the constitution of the Committee, another list of names would be laid on the table, and that they would be able to come to some satisfactory arrangement on the matter.

LORD NAAS said, it was evident no conclusion could be come to that night, and he advised the hon. Member for Meath to consent to the adjournment.

MR. VANCE said, the names he objected to were those of Gentlemen on his side of the House, who were supposed to be favourable to his views, but were not.

Whereupon Motion made, and Question, "That this House do now adjourn," — (*Sir Henry Edwards.*)—put, and agreed to.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, May 31, 1867.

MINUTES.]—SELECT COMMITTEE—*First Report*
—Contagious Diseases (Animals); Office of
Clerk of the Parliaments and Office of the
Gentleman Usher of the Black Rod. (No. 125.)
PUBLIC BILLS.—*First Reading*—Local Government
Supplemental (No. 2) * (119); Intestates
Widows and Children (120).
Second Reading—Offices and Oaths (100);
Transubstantiation, &c. Declaration Abolition
(101); Army Enlistment (112); County
Courts Acts Amendment (108).
Committee—Policies of Insurance * (82); Statute
Law Revision * (106).
Report—Contagious Diseases (Animals) * (122);
Policies of Insurance * (82 & 126); Statute
Law Revision * (106).
Third Reading—Criminal Law * (81).
Royal Assent—Customs and Inland Revenue
[30 *Vict.* c. 23]; Fortifications (Provision for
Expenses) [30 *Vict.* c. 24]; National Debt
[30 *Vict.* c. 26]; Habeas Corpus Suspension
(Ireland) Act Continuance (No. 2) [30 *Vict.*
c. 25]; Petty Sessions (Ireland) Act (1851)
Amendment [30 *Vict.* c. 19]; Inclosure [30
Vict. c. 20]; Local Government Supplemental
[30 *Vict.* c. 21]; Land Drainage Supplemental
[30 *Vict.* 22.]

INTESTATES WIDOWS AND CHILDREN
BILL.

PRESENTED. FIRST READING.

THE LORD CHANCELLOR *presented*
a Bill for the purpose of enabling the
widows and children of poor deceased
persons who may die possessed of shares
in co-operative companies and societies, or
leaving small debts due, or other property,
to obtain possession of such properties
without going to the expense of taking
out letters of administration. He pro-
posed that those desiring to obtain what
was due to their deceased relative, pro-
vided the value did not exceed £100,
should make an affidavit before the Regis-
trar of the County Court of the fact of
the death of the husband or father, and
upon that to obtain a certificate from the
Registrar, which he proposed should serve
all the purposes of letters of administra-
tion. He proposed also that the affidavit
should not be made until a month after
the death of the person originally possessed
of the money sought for; and that if the
Registrar should have reason to believe
that the proceedings before him under the
Bill had reference to property of a greater
value than £100, then he would suspend
the affidavit until he had ascertained the
facts of the case.

A Bill for the Relief of the Widows and Children
of Intestates where the Personal Estate is of
small Value—Was *presented* by The LORD CHAN-
CELLOR; read 1^a. (No. 120.)

CASE OF THE "TORNADO."

QUESTION.

In answer to The Marquess of CLANRI-
CARDE,

THE EARL OF DERBY said, that he
should in a very short time be able to lay
before the House some papers relating to
the case of the *Tornado*. At the pre-
sent time it would not be proper to enter
at length into the subject introduced by
the noble Marquess; but he might say
that the Spanish Government had, in the
first instance, in answer to our inquiries
whether a new trial would be granted,
said that they could say nothing then, but
would await the result of the appeal to
the superior Court and abide by it, what-
ever it might be. We answered that it
would rest entirely with the Spanish Go-
vernment to say before what tribunal the
case should be heard, but that we abso-
lutely insisted upon the nullity of the
former proceedings, and upon having a
new trial at which the parties concerned
might be heard. I am happy to say that
we received from the Spanish Government
an intimation that their superior Court
had, upon consideration of the case, ad-
judged the proceedings null and void,
upon the ground that the case should not
have been treated judicially, but adminis-
tratively; consequently, if a new trial
were to take place, it must be before a
different tribunal. In the meanwhile the
Spanish Government had not refused a
new trial. He believed it was the owners
of the *Tornado* that had protested against
a new trial, desiring that the case should
be decided in their favour on technical
grounds, and not according to its merits.
On that point Her Majesty's Government
did not think that they ought to support
their claim. A new trial would, how-
ever, take place, and it was to be hoped
that it would result in a satisfactory solu-
tion of the question.

CONTAGIOUS DISEASES (ANIMALS)
BILL.

(The Lord President.)

REPORT OF SELECT COMMITTEE.

Report from the Select Committee,
made, and to be *printed* (No. 121): Bill
reported, with Amendments, and *committed*
to a Committee of the Whole House on

Tuesday next; and to be printed as amended. (No. 122.)

LORD WALSINGHAM asked the noble Duke the President of the Council, Whether the statement made yesterday in the Common Council of London with respect to a fresh outbreak of the cattle plague in the metropolis was correct; and if that were so, whether the question was under the consideration of the Government of the slaughtering of foreign cattle at the ports of debarkation without exception. He believed the inconvenience of such a course would not equal the inconvenience arising from a general outbreak of the cattle disease?

THE DUKE OF MARLBOROUGH said, it was quite correct that there had been some fresh cases of cattle plague in the metropolis. The number of cases which were reported for the week ending the 25th of May, was eighty-two. They were, however, confined to comparatively narrow localities in the neighbourhood of Islington. The promptest measures had been taken in conjunction with the Metropolitan Board of Works to counteract the spread of the disease. He might state that he immediately requested Sir John Thwaites, the Chairman of the Board of Works, to wait upon him, and in the course of a conversation with that gentleman, he impressed upon him the necessity of the Board taking immediate and active steps to enforce the powers conferred by law upon local authorities to stamp out the disease. He had since received a very satisfactory communication from Sir John Thwaites, stating that every power which the law conferred upon the Board would be put in force. Those powers had accordingly been put in force, and not only had every diseased animal been slaughtered, but others that had been in contact with them, though not themselves actually infected, were also killed to prevent the spread of the disease. He was glad to say that, owing to these decisive measures, not above two cases had been reported in the present week, as compared with eighty-two cases in the week previous—a result which, he believed, might be attributed solely to the excellent arrangements and vigorous action of the Metropolitan Board. With regard to the other matter to which his noble Friend had alluded, the slaughtering of all the cattle at the ports of their arrival, the question was already under consideration. It was one, however, which

involved grave interests, and which could not be decided without due consideration. He trusted, however, that the measures already adopted might prove successful in arresting the disease, and that it would not be necessary to resort to such an extreme remedy. Should, however, the necessity be found to exist, the question was one which the Government would deal with without shrinking.

EARL GREY was understood to urge the importance of promptitude in all these measures, and strongly advocated the policy of slaughtering all foreign cattle at the ports of arrival, instead of allowing those intended for London consumption to pass through the metropolis, spreading the disease during the journey. It was well known that the disease had originated and had been frequently re-introduced by the importation of foreign cattle.

LORD PORTMAN remarked that the question was not merely one of slaughtering cattle at certain fixed and appointed places. In the hot weather it was oftentimes a question whether the meat under such circumstances could be preserved, and whether a good deal of it would not, on reaching London, be condemned as being unfit for food. The matter was one, therefore, which ought not to be dealt with hastily. The disease could not be brought into London unless the police regulations were neglected or evaded.

THE DUKE OF CLEVELAND said, he could fully corroborate the opinion expressed by the noble Earl (Earl Grey), and that a general feeling now existed that vigorous measures—such as that of slaughtering foreign cattle at their ports of arrival, should be adopted to prevent the recurrence of these serious visitations.

LORD REDESDALE believed it would be of great advantage if the Inspectors, in making their weekly Returns, stated not only the number of beasts infected and the result, but also the supposed cause of the disease. It would be easy enough to do this; and then the inhabitants of the neighbouring country or district would be able to take measures to prevent the same causes producing results so calamitous—a thing which they could not do under the present arrangements.

OFFICES AND OATHS BILL.

(The Earl of Kimberley.)

(NO. 100.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, that he had had no reason for believing that the Bill would be opposed until that morning, when he received a letter from a noble Friend of his, stating that it was his intention to move its rejection. His noble Friend (the Earl of Courtown) would excuse him for saying that it would have been more convenient if he had given notice of his intention in the ordinary manner by putting his Notice on the Votes of the House. It would in consequence be necessary that he should explain the provisions of the measure to their Lordships. The Bill had received very general support in the other House, where the second reading was carried by a majority of 195 against 92, and obtained the express sanction of the Chancellor of the Exchequer and the Chief Secretary for Ireland. The Bill was entirely in accordance with the principles which governed the Roman Catholic Emancipation Act, the object of which was to extend to all classes of Her Majesty's subjects the right of filling civil offices under the Crown, unless there was some special or strong reason for withholding that right in certain cases. Now the object of the present Bill was to remove the disability under which Roman Catholics laboured in regard to the Office of Lord Chancellor of Ireland. There were no special reasons for continuing this exclusion; and it could scarcely be maintained that Roman Catholics ought not to be eligible for this office on the ground that they were unfitted for judicial appointments, for all their Lordships must be aware that many Roman Catholics held high judicial offices in Ireland, and that one Roman Catholic filled a high judicial office in England. It happened at the present time that there were in Ireland no less than two out of the three Chief Justices and no less than seven out of nine of the puisne Judges who professed the Catholic faith; and no one could say that those learned persons discharged their duties in a manner inferior in impartiality, learning, or in any of those qualities which constituted a good Judge, to their distinguished Protestant brethren. There could be no sound objection to a Roman

Catholic filling the high office of Lord Chancellor of Ireland, so far as the judicial powers were concerned. The feeling against this exclusion was not a mere sentimental one, because it was undoubtedly a hardship to many eminent Roman Catholic barristers in Ireland that they should be debarred by law from aspiring to the highest prize in their profession. But it might be said that the Lord Chancellor of Ireland had to discharge other duties than those of a judicial character. Those other duties were either political or quasi-political, or have some special connection with matters of an ecclesiastical character. In Ireland the Lord Chancellor, like the Lord Chancellor in this country, appointed the magistrates of counties, but they were appointed almost invariably upon the recommendation of Lords Lieutenant of counties, and many Lords Lieutenant of counties were themselves Roman Catholics, and they might be so in every instance. Well, then, it might be said that the Lord Chancellor of Ireland was a political officer, and to some extent he advised the Lord Lieutenant; but he was not aware that there were more intimate relations between the Lord Lieutenant and the Lord Chancellor than there were between the former and the Chief Secretary and the Attorney General, who might be Roman Catholics. Some persons might suppose that there was considerable Church patronage vested in the Irish Lord Chancellor; and he had heard it said that the late Sir Robert Peel, in drawing the Roman Catholic Emancipation Act, included the Lord Chancellor within the list of prohibitions, because he thought that that functionary had considerable Church patronage. But, as a matter of fact, the Irish Lord Chancellor had no Church patronage, except the appointment to a vicarage in Dublin, which he exercised jointly with the Archbishop of Dublin, the Master of the Rolls, and the three Chief Justices; and, as these gentlemen generally disagreed, the patronage reverted to the Archbishop of Dublin. It must be admitted that one duty of the Lord Chancellor of Ireland was of an ecclesiastical character, because in Ireland there was an appeal from the Ecclesiastical Courts to him, and it was his duty in such cases to issue a commission of delegates, and if that was not satisfactory, he might issue a commission of review; but, in point of fact, that function was rarely exercised. Lord Chancellor Brady, who held the

office for many years, said that he had only issued three commissions of delegates, two on very unimportant matters, and no commission of review had been issued in the last forty years. This exceptional circumstance would, however, be met by a clause in the Bill, which provided, that whenever the Lord Chancellor should be a Roman Catholic, this particular jurisdiction should be exercised by one of the Chief Justices or by one of the Judges in Chancery. He regretted that the Bill had been so far altered in the House of Commons that it no longer included the admission of Roman Catholics to the office of Lord Lieutenant of Ireland; but the clause which referred to this matter had been objected to by the Government, and was struck out in Committee, but only by a majority of 3. He himself saw nothing whatever in the office of the Lord Lieutenant that rendered it unfit that it should be held by a Roman Catholic, and it was most singular that the objection should be raised, seeing that excepting the English Lord Chancellor every Member of the Government, including the very Secretary of State under whose authority the Lord Lieutenant was, might be a Roman Catholic, and as to the pageantry of the office it was difficult to find any valid reason why a Roman Catholic was not equally fit to hold levées and give balls at the Castle as a Protestant. More than three-fourths of the population of Ireland were Roman Catholics, and why should not he who was placed at the head of them be a Roman Catholic also? As to the Church patronage of the Lord Lieutenant, the first Lord of the Treasury, the Chancellor of the Duchy of Lancaster, and the Home Secretary, in reference to Scotland, exercised considerable Church patronage, and yet all three might be Roman Catholics. It was said that the Lord Lieutenant in an especial manner represented the Crown; but certainly he did not do so more than the Governor General of India and the Governor General of Canada, both of whom might be Roman Catholics. As, however, he did not wish to do anything to endanger the Bill he should not propose to re-insert the clause referring to the Lord Lieutenant, but if any other noble Lord should move the re-insertion in Committee he should support him. The next provision in the Bill was a very simple one. It removed a prohibition in the Emancipation Act against

Roman Catholic Judges and mayors from attending any place of worship other than those of the Established Church in their robes of office. Such a prohibition afforded no security to the Protestant Church, and he thought that its repeal would have the very best effect in Ireland, where it was very desirable that Roman Catholics should see men of their own faith serving the Queen and appearing with their insignia of office. Such a prohibition as that which existed, in his opinion, diminished the security of the Established Church by producing a feeling of degradation in the minds of the Roman Catholics. The prohibition was also absurd, because the general officer commanding the whole military force in Ireland if he was a Catholic might go to Church in his uniform; and the constabulary, who were to the Irish people the embodiment of authority, might be seen every Sunday going to Roman Catholic places of worship in their uniform. The last clause of the Bill repealed, in reference to Roman Catholics holding office in Ireland, the oath which was last year repealed in reference to Roman Catholic Members of Parliament. He believed that the Report of the Royal Commission, which would shortly be published, would recommend the abolition of oaths of this nature, and he therefore thought that he was entitled to ask their Lordships to read the Bill a second time, so far as this oath was concerned. The clause passed with the general concurrence of the other House; it would place all persons upon a similar footing, and it would interpose no obstacle to dealing hereafter with the general question of oaths if Parliament should think fit. He was willing to postpone going into Committee until after Whitsuntide if it was thought desirable that their Lordships should have time to consider the Report of the Royal Commission. There might be some who thought the passing of this Bill would diminish the securities of the Established Church. He could assure them that none of their Lordships were more anxious than he was to uphold the principles of the Reformation and the Church which embodied them, and any measure wisely taken with that object should have his support; but he thought that danger to the Church came more from within—from those who remained professed members of the Establishment but no longer held the principles of the Reformed faith—and that

these petty restrictions gave no security whatever. He therefore asked their Lordships with confidence to abolish these shreds and remnants of civil disability which only served as a record of distrust of their Roman Catholic fellow subjects, a distrust which was perhaps natural at the time of the passing of the Roman Catholic Emancipation Act, but which their conduct during the last forty years showed to be entirely unmerited and unfounded.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Kimberley.*)

THE EARL OF COURTOWN rose to move that the Bill be read a second time that day six months. To his mind it was at all times advisable, when they were considering any Bill proposed to their Lordships, that they should consider, not only the provisions which were immediately before them, but also how far they extended in the way of general policy, and what the ultimate tendency of the measure would be. In the present instance this matter was not doubtful, for the Preamble set forth that "to promote religious equality" it was expedient to remove these disabilities. Religious equality might be very desirable, but it was necessary to consider its meaning in relation to the State, and if this Bill should pass this particular expression of "religious equality" would be quoted as a precedent. This very phrase showed, he believed, that the Bill had been suggested in the National Association of Ireland. He did not regret that these words "religious equality" had been inserted in the Bill, for it enabled him to show that this was part of a scheme for promoting religious equality generally. The noble Earl read a passage from *The Tablet* to show how wide was the meaning attached to religious equality by the writer in that paper, and calling on the Legislature to pass measures to establish equality between the Protestant and Roman Catholic Churches. He would ask their Lordships to bear in mind that this question of religious equality was a very serious one, and involved the principle, not only of equality of individuals as regards their religious belief, to which he is favourable, but also equality of religions as regards the State. No doubt if there were a separation of Church and State, all religions should be put upon the same footing as regarded the State; but this was a matter which was

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dealt with differently in this country to what it was in any other, so far as he was aware. In America, for instance, no Church was recognised by the State, there being there complete religious liberty and equality, and in France there was complete religious equality but not religious liberty, it being illegal to publish a Papal bull without the authority of the State for doing so. In this country we have complete religious liberty, but as we have not social equality, so we have not religious equality, which is inconsistent with the existence of an Established Church. To him it appeared that the present Bill was defective. It provided for the exercise of the Lord Chancellor's functions in reference to ecclesiastical appeals, by saying that when that high officer should happen to be a Roman Catholic one of the Chief Justices who was a member of the English Church should hear the appeals. At present two out of the three Chief Justices were Roman Catholics; and what was to be done if all three, as well as the Chancellor, were Roman Catholics? The ecclesiastical jurisdiction would then have to take its chance; and probably, when the difficulty occurred, a Bill would have to be passed to appoint some one else to exercise this particular jurisdiction. With respect to the clauses referring to persons in office attending places of worship in their official robes, he saw no reason why those clauses might not be inserted in the Transubstantiation, &c., Declaration Bill, the second reading of which the noble Earl intended to move that night.

An Amendment *moved* to leave out ("now") and insert ("this Day Three Months.")—(*The Earl of Courtown.*)

THE EARL OF ELLENBOROUGH said, he must confess he had no apprehension that any injury would result to the Protestant Church from the passing of the Bill; but, at the same time, he felt himself to be personally under an obligation to state that he could not vote for it. He was a Member of that House and also a Member of the Government when the Bill called the Catholic Emancipation Bill was passed, and he recollected all the circumstances under which it was passed. He thought then, and he now thought, that without the security now referred to, and without the other securities contained in it, that Bill would not have obtained the sanction of their Lordships' House.

Such being his impression, he could not now vote for the removal of any one of the securities which that Bill contained; for he considered that Bill to have constituted a species of compact between the Parliament and the people. No doubt, after a period of years, it was perfectly open to Parliament to re-consider what was then done, and to alter the decision then come to; but it was not open to him so to act. He was bound to adhere to the compact to which he was a party, and he must vote against the present Bill.

LORD LYVEDEN said, he did not expect that any opposition would have been made to the present Bill, and the objection urged against it by the noble Earl was the same which had been taken over and over again against any alteration of the Catholic Emancipation Bill, and which applied equally to the alteration sanctioned in last Session and to the present proposal. As regards the enactment of a new oath, he thought that it might be advisable to omit that provision from the Bill, as the Commission on Oaths were about very shortly to present their Report, and it would be expedient to take some legislative steps founded on their recommendations. Of all oaths the oath of allegiance appeared to him to be the most useless, because all persons were liable to be punished for disloyalty, whether they had taken the oath of allegiance or not; and that oath had not that he knew of ever had a deterrent effect on any one inclined to commit treason. With regard to the office of Lord Lieutenant of Ireland, the provision which originally stood in the Bill was only omitted by a majority of 3 in the House of Commons. For himself he certainly thought that the office of Lord Lieutenant of Ireland might altogether be abolished. It was only the other day that the Lord Lieutenant of Ireland informed a deputation that the capital sentence passed in the case of a Fenian prisoner should be carried into effect; and, nevertheless, an order to a different effect was afterwards sent from this country to Dublin. A Roman Catholic was excluded from holding that office, not by the voice or wish of the people of Ireland, but by the prejudices of the people of Scotland and England; but if the office of Lord Lieutenant was to be retained, it ought to be, perhaps, more than any other open to Roman Catholics; and if he met with any support from the

House, he would in Committee move to re-instate in the Bill the words which it originally contained in reference to the office of the Lord Lieutenant of Ireland. The prohibition against Roman Catholic functionaries going to their places of worship in their robes of office he regarded as perfectly ridiculous, and he trusted that their Lordships would not offer any objection to its abolition.

THE EARL OF DERBY trusted that the noble Earl who had moved the rejection of the Bill (the Earl of Courtown) would not persist in his Amendment. He must be permitted to say he thought that the present discussion would have been more satisfactorily conducted if every speaker had confined himself to what was in the Bill and had not extended his remarks to what was not in the Bill. The introduction of the question as to the removal of the disability to hold the office of Lord Lieutenant of Ireland was entirely gratuitous, and was more likely to create opposition to the Bill than if the discussion were confined to the measure actually before the House; and then the noble Lord who had just spoken (Lord Lyveden) had gone a step further and said they ought to consider whether the office of Lord Lieutenant of Ireland might not be abolished altogether. The noble Earl who moved the rejection of the Bill referred to an expression in the Preamble relating to the promotion of religious equality among the subjects of Her Majesty, and said that religious equality would be placing the Roman Catholic Church on the same footing as the Protestant Church. That was a subject not comprehended within the provisions of the Bill; the words "promotion of religious equality" could only refer to what was in the Bill, and could not apply to what was not in the Bill. It was quite true that the Bill applied to England as well as to Ireland, inasmuch as, while it provided in the case of the latter that a Roman Catholic might hold the office of Lord Chancellor, it would have the effect of removing in both countries the necessity of taking certain oaths which were deemed to be no longer necessary, and placing in that respect all the subjects of Her Majesty upon precisely the same footing. He was, under these circumstances, greatly disinclined to discuss the Bill upon the merits of the single provision which related to the Lord Chancellorship of Ireland. So far as he was concerned, he could not say that he

regarded that provision as objectionable. There could, of course, be no doubt that if a Roman Catholic were to fill that office he would have very considerable political influence placed in his hands; but he (the Earl of Derby) was not aware that the spirit of our recent legislation went in the direction of denying to members of that persuasion their just influence and rights; though, of course, it was not desirable that they should exercise influence in religious matters involving the interests of the Protestant Establishment. The Bill, he might add, had come up from the House of Commons with very general approval. The provision which threw open the appointment of Lord Lieutenant of Ireland had been rejected by a very large majority; and he should be sorry to see any attempt to re-introduce it in their Lordships' House, for it would be much better, he thought, that the measure should be taken as it stood. He was also of opinion that it would have been more convenient if the second reading had been postponed until after the receipt of the Report of the Oaths Commission; especially as he had every reason to believe that that Report would be laid before Parliament within a short time, and that it would be found to be very much in the spirit of the general provisions of the proposal of the noble Earl opposite. If the noble Earl (the Earl of Kimberley) would accept the suggestion he had made, or if he would be content to take the second reading on the understanding that those noble Lords who voted for it would not be bound to all the provisions of the Bill, and would postpone going into Committee upon it till after Whitsuntide, perhaps the noble Earl behind him (the Earl of Courtown) would not persist in his opposition to the second reading of the Bill now. For his own part, under all the circumstances, he should be disposed to support the second reading.

THE EARL OF KIMBERLEY expressed his readiness to take the second reading subject to those conditions.

THE EARL OF BANDON objected to the Bill, because it involved a direct departure from the compact which had been entered into in 1829. That Act would never have been allowed to pass had it not been for the assurance given by the Government that it would not in any way interfere with the revenues of the Irish Church. Roman Catholics were specially excluded from the office of Lord Chan-

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cellor, because that officer was the keeper of the conscience of the Sovereign; but the Sovereign being Protestant, of course Roman Catholics could not conscientiously fulfil the duties of the office. He looked upon this concession as the thin end of the wedge, and was afraid that it would only lead to a further demand to open up the office of Lord Lieutenant to Roman Catholics. From 1829 up to 1859 no proposal of the same character as that under discussion had been submitted to Parliament, nor a single petition presented in its favour. The question, he added, had not been mooted since the latter period until the present Session, and the people of Ireland took very little interest in it indeed. Such was not, as might be expected, the case with the Roman Catholic clergy, who would never be satisfied with anything less than exclusive supremacy and the destruction of the Protestant religion.

THE EARL OF KIMBERLEY said, that he had not the slightest objection to strike out the words in the Preamble of the Bill which had so much alarmed the noble Earl (the Earl of Courtown). He did not attach the slightest importance to them. The true meaning to be attached to them had been explained by the noble Earl at the head of the Government.

THE EARL OF COURTOWN said, he would accept the suggestion of the noble Earl at the head of the Government, and withdraw his Amendment, stating that he would, on going into Committee, move the rejection of the words to which he objected.

Amendment (by Leave of the House) *withdrawn*: Then the Original Motion was agreed to; Bill read 2^a accordingly.

TRANSUBSTANTIATION, &c., DECLARATION ABOLITION BILL—(No. 101.)

(The Earl of Kimberley.)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, that the Bill was brought in in the other House last Session, and had come up to their Lordships' House at so late a period that it was not then proceeded with. It proposed to abolish the declaration against transubstantiation, which he thought their

Lordships would be of opinion was one which it was not now reasonable or desirable to retain. He would not then trouble their Lordships by reading the declaration in question, although to do so would perhaps be better than the strongest argument which he could use in favour of the second reading of this Bill; but the declaration asserted that particular doctrines and practices of the Church of Rome were superstitious and idolatrous. He had himself been called upon to make that declaration before the Irish Privy Council in the presence of a large number of persons of the Roman Catholic faith, and he must say he had never in his life made a declaration with more pain than when he was required, before men holding high office, and for whom he had the greatest respect, to declare the tenets of their religion to be superstitious and idolatrous. Being a sincere Protestant himself he, of course, had no personal difficulty in expressing his agreement with what was intended as one of the Articles of the Reformed Church; but he thought that such a declaration, under the circumstances which he had stated, was both offensive and unnecessary, and ought to be done away with. The Bill therefore proposed that that declaration should be dispensed with in future; but its provisions expressly guarded against the supposition that it was meant to remove the exclusion of persons from certain offices because they were Roman Catholics. He had a strong confidence that this proposal to repeal a declaration which was offensive to a portion of Her Majesty's loyal subjects, would not meet with any opposition from their Lordships; and he begged, in conclusion, to move that the Bill be now read the second time.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Kimberley*.)

THE MARQUESS OF WESTMEATH protested against the Bill being now read the second time. There was precisely the same reason for not proceeding with this Bill as existed with reference to the preceding—namely, that they ought to wait for the Report of the Oaths Commissioners. He maintained that the declaration which it was proposed to abolish was the basis of the Protestant faith in this country, and also one of the greatest securities of the Throne of Her Majesty; and he earnestly implored their Lordships not to have any hand in the crime of attempting to tamper

with that declaration on the ground of expediency.

THE EARL OF DERBY said, he believed that the declaration in question had not only been referred to the Oaths Commission, but that their Report would contain a paragraph relating to it; and he suggested that with regard to this Bill the noble Earl opposite (the Earl of Kimberley) would adopt the same course as he had done with respect to the previous one—namely, that the second reading should be taken *sub silentio*, and that it should be open to any noble Lord who thought fit to oppose it to do so on going into Committee, by which time they would probably have seen the Report of the Commissioners.

THE EARL OF KIMBERLEY said, he was willing to accept this suggestion.

On Question, *agreed to*; Bill read 2^a accordingly.

ARMY ENLISTMENT BILL.—(No. 112.)

(*The Earl of Longford*.)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF LONGFORD, in moving that the Bill be now read the second time, said, it proposed to repeal two former Acts relating to enlistment for the army, and also to substitute a uniform term of enlistment for soldiers in all branches of the army for the three different terms now applicable to the cavalry, the infantry, and the artillery respectively. After the passing of the Army Service Act of 1847, it was arranged—upon what principle he was not quite certain—that soldiers for the cavalry should be enlisted for twenty-four years, in two periods of twelve years each; soldiers for the artillery for twenty-one years, in periods of twelve and nine years respectively; and soldiers for the infantry for twenty-one years, in two periods of ten and eleven years. There seemed to be no reason for maintaining those distinctions; and when the Recruiting Commission examined the subject they came to the conclusion that it would be advisable to adopt the term now in force for the artillery—namely, a term of twenty-one years divided into two periods of twelve and nine years—as the uniform scale to be applied to all branches of the service; and that was the term adopted in this measure. The second clause of the Bill gave facilities, which were not enjoyed before, to soldiers who before the completion of

their first term were disposed to renew their engagement. The last clause conferred a new power upon the military authorities to enlist for general service recruits who had declared no preference for any particular regiment at the time when they came forward to enlist:—within twelve months the Commander-in-Chief would post such a recruit to some regiment, to which he would remain attached in the same manner as if he had originally enlisted for that regiment. There were two other Bills before the House of Commons referring to military subjects, which would be pressed forward whenever the state of public business would permit.

Moved, “That the Bill be now read 2^a.”
—(*The Earl of Longford*.)

EARL GREY said, he thought the proposed alteration totally unnecessary, and that the change it made was in the wrong direction. They must not look at the Bill as an isolated proposal, but must view it in connection with the whole question of general policy with reference to the army. In another measure now before the other House—the Army Reserve Bill—the Government had introduced a clause enacting that a militiaman who had deserted might be sentenced by a court martial to serve in the regular army for twelve years. The mere fact of such a clause having been proposed showed how utterly inconsiderate and inconsistent the whole policy of the Government had been with reference to the discipline of the army. Such a provision was contrary to every sound principle which should regulate such matters. The Bill was a retrograde step from a sound policy in vogue twenty years ago.

VISCOUNT MELVILLE said, he thought the clause referred to by the noble Earl would be fatal to the prosperity of any regiment. It was necessary, in his opinion, to have one uniform system of enlistment throughout the army, and not different periods of enlistment for different sections; but the great evil oppressing the army was the faulty system of reliefs.

THE EARL OF LONGFORD said, in reference to the unfortunate clause spoken of, that it had been taken from the old Militia Act, which had been in force, although not acted upon, during all the time that the noble Earl who now objected to it had been in office. He believed it was unfortunately true that under the present

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establishment of our regiments, it was impossible in all cases to provide for the regular relief of troops in foreign service.

Motion agreed to : Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Monday* next.

COUNTY COURTS ACTS AMENDMENT

BILL—(No. 108)

(*The Lord Chancellor*.)

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of a Bill to amend the Acts relating to the jurisdiction of the County Courts, said, that the first object of the Bill was to enable actions to be brought in the Court of the districts where the causes of action wholly, or in part, arose. At present the action must be brought in the Court of the district where the cause of action wholly arose. Thus, if goods were delivered to a railway company to be sent to York and were damaged in transit, the party at York would have to sue the company in London, because the company were supposed to reside wherever their chief office was; but by this Bill the action could be entered in the Court at York, where the cause of action in part arose. At present in the Superior Courts, where an action was allowed to go by default, the plaintiff could sign judgment in eight days and issue execution eight days afterwards. In the County Courts no such facilities existed. By the 2nd clause of this Bill, if the defendant did not within six days of the return day of the summons give notice in writing to the registrar of his intention to defend the action, the plaintiff would be entitled to enter up judgment. By the 3rd clause, actions commenced in any metropolitan County Court might be continued in any other of the metropolitan Courts, if the defendant resided or carried on business within the district of any such Court. By Clause 4 it was provided that no action should be brought to recover debts for any ale, porter, beer, cider, or perry consumed on the premises. The 5th clause provided that when, in any action of contract brought or commenced in any of the Superior Courts, where the amount of the claim did not exceed £50, the defendant might within eight days after service of the writ take out a summons before a Judge at Chambers, calling on the plaintiff to

show cause why the action should not be tried in a County Court, and the Judge might, unless cause was shown, order the cause to be so tried. At present the Superior Courts had concurrent jurisdiction with the County Courts when the plaintiff resided more than twenty miles away from the defendant, or from the place where the cause of action arose. It had been determined that this applied to cases where one of several plaintiffs lived twenty miles off, although the firm might live next door to the defendant. It had also been held that a railway dwelt where the principal office was. A learned Judge had informed him that a Leeds case was recently tried before him, in which the claim was £19, and because the parties lived twenty miles apart the action was brought in the Superior Courts, and seven witnesses were brought up all the way from Leeds to Westminster Hall. The cause of the evil was that the attorneys always went to the Superior Courts whenever it was possible, of course to the great increase of expense. The object of the clause was to provide a remedy and to enforce the use of the County Courts in such cases. He proposed to give jurisdiction to the County Courts in cases of ejectment, where the annual value of the property did not exceed £20, and also cases when title came in question, where neither the value nor rent of the property exceed £20 a year. But in these cases an appeal was to be allowed. The 17th clause was intended to extend the operation of the 10 & 11 of the Queen, c. 96, "The Trustees' Relief Act." It enabled trustees, where the value of the trust estate did not exceed £500, to deposit the money with the registrar of the County Court where they, or some of them, reside. The 21st section extinguished a number of petty Courts which at present had jurisdiction in matters of debt. It enacted that henceforth no action that could be brought in a County Court should be brought in the Court of any hundred manor, wapentake, or other inferior Court; and it placed the recovery of loans by loan societies in the County Court instead of before justices.

Moved, "That the Bill be now read 2^a."
—(*The Lord Chancellor.*)

LORD CRANWORTH, in expressing his approval of the measure, referred to some observations made the other evening by his noble and learned Friend on the Woolsack, which the learned Judges on

the Northern Circuit had interpreted as reflecting upon their ability and industry in the administration of justice. It was perfectly true that out of seventy-eight causes put down for trial on that circuit, only fifty-seven had been tried; but practically the whole of them were disposed of, because, as their Lordships well knew, many causes were in the course of an assize withdrawn, or otherwise disposed of, without coming before the Judge at all. He had promised to refer to this matter on the first opportunity, and he had accordingly mentioned it in order to enable his noble and learned Friend to remove an impression which he felt certain had never been intended.

THE LORD CHANCELLOR said, he would be sorry to have it imagined that he intended to cast the slightest reflection on the ability or industry of the learned Judges who had presided over the Northern Circuit. Indeed, he had expressly taken care to guard against such an interpretation by stating most explicitly that the amount of business had rendered it absolutely impossible that the learned Judges could dispose of the whole of the causes without assistance. He must, however, mention, in self-defence, that one of the Queen's Counsel on the circuit, in a letter to a friend, referred to the constant demands which were made for his assistance in disposing of the civil business. Though, of course, those gentlemen were always willing to give this assistance in times of emergency, a constant practice of this kind could not but be regarded as entailing an unreasonable tax upon the time of advocates, who had their own professional duties to attend to.

Motion agreed to: Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.

House adjourned at a quarter past Seven
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 31, 1867.

MINUTES.]—SELECT COMMITTEE—On Tancred's Charities nominated; on Malt Tax nominated; on Sea Coast Fisheries (Ireland) nominated.

PUBLIC BILLS—Resolution in Committee—Metropolitan Police [Salary of Receiver].

Resolutions reported—Railways [Cancellation of Bonds]; Houses of Parliament [Expense of Approaches].

Second Reading — Attorneys, &c., Certificate Duty* [53].

Committee — Representation of the People [79] [Clause 9]. [R.P.]; Railway Companies (*re-comm.*)* [164] [Clause 35].

Report — Limerick Harbour (Composition of Debt)* [176]; Valuation of Property* [177].

The House met at Two of the clock.

METROPOLIS—THE PUBLIC PARKS.

QUESTION.

MR. EWART said, he wished to ask the First Commissioner of Works, Whether his attention has been called to the desirableness of having a greater number of seats placed round the trees (especially the larger trees) in Kensington Gardens and the Parks?

LORD JOHN MANNERS said, in reply, that considering the subject which had brought them together that day, the hon. Member's Question about seats was an appropriate one. He concurred with the hon. Gentleman in thinking it desirable that there should be additional seats in the Parks; and he hoped that the hon. Gentleman would concur with him on the more serious question of seats in Parliament.

THE EXHIBITION OF 1851.—QUESTION.

MR. DILLWYN said, he would beg to ask the Secretary of State for the Home Department, Whether it be true, as stated in a letter signed "A" in *The Times* newspaper of the 28th instant, that the Commissioners of the Great Exhibition of 1851 present annually to the Home Office a Report of their Finances; and, if so, whether he will lay all such Reports on the table of the House?

MR. GATHORNE HARDY replied, that it was quite true the Commissioners did make an Annual Report. He should not like to undertake to lay it on the table of the House without first communicating with the Commissioners.

PARLIAMENTARY REFORM— REPRESENTATION OF THE PEOPLE

BILL—[BILL 79.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.*)

COMMITTEE. [PROGRESS MAY 30.]

Bill considered in Committee.

(In the Committee.)

Clause 9 (Certain Boroughs to return One Member only).

MR. LAING moved, in line 27, to leave out all after "Parliament," and insert—

"No borough which had a less population than 10,000 at the Census of 1861 shall return more than one Member to serve in Parliament."

He said, the Amendment was one which included a complete scheme of representation. In order to make it clear it would be necessary to advert to subsequent Amendments, but he should confine his main arguments and reasons to the Amendment before the Committee. As to the importance of the subject of the re-distribution of seats, it would be unnecessary, after what had taken place in the House last year, to trouble the Committee with many observations. The feeling was unanimous that that portion of the Bill was not less difficult or important than the other. With a view to any permanent settlement of the question it was quite as important that the re-distribution of seats should be satisfactory to the common sense of the people as that they should arrive at a satisfactory solution of the question of the franchise. For all practical purposes, with reference to the balance of political power in the House, the re-distribution of seats was even of more importance than the franchise. It was quite conceivable that under the reduction that had been effected in the franchise they might have a system of re-distribution that would either be revolutionary or essentially Conservative. He thought, with a view to what they all desired—a solution of the question of Reform—that the scheme should be Conservative. If so, it would be likely to be permanent. It would be likely to be permanent also, if it were large and liberal enough to satisfy the wants of the age. The scheme as it was proposed in the Bill of the Government did not go far enough to afford a reasonable hope of its being a permanent solution of the question. He did not wish to imply censure on the Government for having proposed this scheme, inasmuch as their course had of necessity throughout these proceedings on Reform been in a great measure tentative. It was impossible for them to propose in the first instance the entire scheme as it might be subsequently moulded into shape by the House. He was sensible of the difficulties they had to encounter in facing an adverse majority, and from their own party. He was not therefore disposed to censure the Government. Whether they took the scheme by itself, or in comparison with

others proposed, it was inadequate to meet the exigencies of the case. Taking it by itself, it proposed no further disfranchisement than the taking of a second Member from each borough with a population of less than 7,000. This was a principle addressed to many of the most glaring anomalies that struck the public mind, and which constituted a reason for taking up the question of re-distribution. Among the anomalies that at once struck everybody were those which arose from extreme difference of population. It was impossible not to feel that while our system of representation was not to be based entirely on mere arithmetical computations, it ought, approximately at least, to represent the population, the property, and the intelligence of the country. A system under which a small insignificant borough with a population of 4,000 inhabitants had as large a share of representation as important and populous cities like Manchester and Liverpool was an anomaly which, if they were going to touch the representative system at all, ought to be corrected. There was also a great anomaly in the geographical distribution of the representation. This dated back to a period when the South and West of England were the principal seats of population and industry, and the North was comparatively uncivilized and unpeopled. The consequence was that certain counties in the South of England, like Wiltshire and Dorsetshire, returned a disproportionate share of the representation of the country. If they took Wilts and Dorset as instances, those counties had one representative for every 13,000 inhabitants. In Lancashire the representation was only one for every 100,000. In the great counties of York and Durham—those growing seats of manufacturing and mining industry—there was also a striking disproportion. Another glaring anomaly in our representative system was that which apportioned such a large proportion of representation to boroughs as compared with the counties. The Return given last year showed that the counties with a population—exclusive of represented towns—of over 11,000,000 as against a borough population of between 8,000,000 and 9,000,000, returned less than one-half the number of Members. This was a great anomaly. In the present state of things, when they looked at the facilities for communication, a county could no longer be fairly represented by torpid and dormant communities

in which the action of political life did not take place. While there were many villages growing into towns, and towns growing into cities, remaining in the county representation, and while the House was enlarging the county constituency in a liberal manner, there was no longer a defensible reason why this great disproportion should exist. In any scheme dealing with the re-distribution of seats, they should keep in view the correction of the more glaring anomalies existing in this respect. Here the Government scheme had not gone far enough. The Committee would agree with him when he gave a single instance of the sort of anomaly which was left by that scheme. The borough of Cocker mouth was the borough having two Members with the smallest population, untouched by the Bill of the present Session, but included in the Bill of last year. In the Census of 1861 it had a population of 7,075. But according to the estimate of 1866 the population had fallen to 6,950, the total number of inhabited houses being 1,543. By the Bill of last year it was proposed to take away one Member. It was proposed by the present scheme to leave that borough with the share of representation it had hitherto possessed—namely, two Members, nearly a three-hundredth part of the entire voice of the representation of the country—the same share as Liverpool with a population of 440,000 and 65,784 inhabited houses. In 1854, when a Bill was brought forward by Lord John Russell, as a member of Lord Aberdeen's Cabinet, it was proposed to disfranchise all the small boroughs having less than 5,000 inhabitants, and to take away the second Member from all boroughs with less than 10,000 inhabitants. The effect of that proposal would have been to take away sixty-two Members from the small boroughs, and to give them partly to the large cities and towns and partly to the counties. The Bill of last year proposed to take away forty-nine Members from the small boroughs and to divide them among the large cities and the counties. The present Bill proposed that twenty-three boroughs should return one Member instead of two. Seven Members were to be taken from the boroughs disfranchised by the vote of last night. The total number of seats to be re-distributed would consequently be thirty, but that was a much smaller proposal than was made by the Bills of 1854 and 1866. Although the question of re-distribution of seats was warmly dis-

cussed last Session, no objection was made to the scheme being too extensive. On the contrary, it was urged by hon. Members on the Conservative side that instead of drawing the line at boroughs with 8,000 inhabitants, from which it was then proposed to take one of two Members, the line should have been fixed at 10,000. Attention was drawn to the fact that the boroughs between 8,000 and 10,000 happened, by a curious coincidence, to send a preponderance of Members to the Liberal Benches. It was said that the scheme was a political job, and that it ought to have been carried up to 10,000, because it was stated that the boroughs with populations between 8,000 and 10,000 sent a great preponderance of Members to that side of the House. At all events, no objection was taken to the 8,000 line on the ground of insufficiency. He would now state the scheme he had embodied in clauses, and which he intended to submit as an alternative proposition. His first proposal was that all boroughs with a population of less than 10,000 at the last census now returning two Members should in future only return one. There were thirty-eight boroughs in this condition. The proposal would consequently give thirty-eight Members. Adding to this the Members of the boroughs disfranchised last night, the number would be forty-five. He further proposed to introduce the principle of grouping some of the small boroughs to a limited extent, and by this means he got seven Members, making, when added to the forty-five, a total of fifty-two seats to be re-distributed. In his application of these seats he assumed with the Government that the demand of Scotland for an addition to its representation was founded in justice, and that it was to be met, not by taking Members from England or Ireland, but by making a small addition to the number of Members of the House. There was no magic in the precise number of 658. The House was far past the point where its number of Members was such that they could all be seated and listen to the debates. This being so, a few Members more or less would make no difference. They had not reached the point where the number of Members was too great for the work that had to be done. The mode in which he proposed to distribute the fifty-two Members gained in the way he had described was as follows:—He proposed to give to large cities having a population of

more than 150,000 at the last census three Members. There were six cities in this condition. To large towns with a population of more than 50,000, now returning one Member, he proposed to give a second Member. Of these there were four. With regard to new boroughs he proposed to adopt the twelve proposed by the Government, grouping one of them—Torquay—with a borough adjoining. He also proposed to add two Members to the Tower Hamlets, which would give a total of twenty-four new seats to cities and boroughs—one for the University of London, made twenty-five. In order to apply the same principle to counties he proposed to give three Members to each county or division with a population exceeding 150,000. This would require twenty-six seats. Thus twenty-five seats would be given to the boroughs and the London University, and twenty-six to the counties, making a total of fifty-one. But the number of seats he had provided for was fifty-two, there being a small margin he was obliged to leave. Until the decision of the House last night he could not be certain as to what would be done with the corrupt boroughs. He wished now to explain to the Committee the principles of the plan he proposed. He thought it important that the question of Reform should be based on sound principles. The House had done so in the matter of the franchise. At the cost of considerable sacrifice of feeling on the part of hon. Members—though there was now a general concurrence of opinion that it was the right thing to be done—it had thought fit to go down till it came to something upon which it might stand because capable of being explained and defended. In the re-distribution of seats it was not possible to arrive at any absolute principle like household suffrage, defended by rating. They must draw their lines arbitrarily, but still they ought not to draw them at haphazard. There ought to be something in them that should commend itself to the common sense of the community so far that it could be appealed to as a stand-point for the resistance of further agitation. He had drawn a line at a population of 10,000, below which no borough should be entitled to return more than one Member. He had done so for two reasons. 10,000 in population was to the common understanding about as good a line as could be drawn, indicating where a small town ends and a fair sized town begins. The town popula-

tions of this country had increased so rapidly of late years that what used to be thought a considerable town was now deemed a small one. It might fairly be said that any place with a population below 10,000 was a small town. This limitation was also supported by precedent. It was the line proposed by Earl Russell in 1854, in a measure which, the more he examined, the more he thought it had been maturely considered. From the discussions in the House, the line appeared to have met with general approval. No one objected to 8,000 as being too high, and many hon. Members objected to it as being too low, and said that the line ought to have been drawn at 10,000. He took the line of 150,000 as indicating where the more important cities begin. The towns at and above that line were centres of national industry and life, and were entitled to a larger share in the representation than towns ranging from 10,000 to 50,000. Those largest towns were Birmingham, Preston, Leeds, Liverpool, Manchester, Sheffield, Glasgow, Dublin, and Edinburgh. The other line he had taken was 50,000, at which population it might be considered that large and important towns began. When so many towns between 10,000 and 20,000 returned two Members, large towns containing 50,000 ought not to be restricted to a single Member. Of places above 50,000 that he proposed should have a second Member there were four—Salford, Merthyr Tydvil, Swansea, and Birkenhead. In Scotland, Dundee and Aberdeen. These were the only towns in the United Kingdom with a population exceeding 50,000 that were restricted to a single Member, and their claims must be considered when they were disfranchising small boroughs and disposing of a large number of seats. Another principle was the maintenance of the balance between towns and counties. It was an anomaly, not to be defended in the present state of the country, that the county population should be so inadequately represented. Absolute equality could not be arrived at. The counties could not be split up into so many divisions and assigned as many Members as the boroughs. But some such rule as was applied to boroughs might be applied to divisions of counties. There was the more reason for applying it, because under the old system small boroughs often returned country gentlemen, who were, in fact, county representatives, and therefore the

disfranchisement of small boroughs virtually diminished the county representation. Whatever arguments in favour of retaining small boroughs might have been in place in 1832, they were completely out of place now, when small boroughs were being disfranchised and household suffrage introduced. The Report of the Totnes Commission afforded little hope that for the future local influence would obtain for rising, little known, and unappreciated talent an entrance into this House. It was the more important to lay down a principle of meting out equal justice to counties as compared with boroughs, because in the future the counties must be looked to for the Conservative element, for the ballast to steady the additional canvass hoisted in the new franchise clauses. The Bill of last year proposed to give twenty-six Members to divisions of counties, and in following it he was only acting on sound Conservative principle. To sum up shortly the practical difference between his plan and that of the Government, if his plan were carried out the following boroughs would lose, which in the Government plan retained, a second Member:—Six boroughs between 7,000 and 8,000—namely, Bridgnorth, Bridport, Buckingham, Chippenham, Cockermouth, and Newport, Isle of Wight. Nine boroughs between 8,000 and 10,000, which were neither in the Bill of the present Government nor in that of last year—namely, Chichester, Guildford, Lewes, Malton, Poole, Stamford, Tavistock, Windsor, and Wycombe. These made together fifteen boroughs, with an aggregate population of 123,000, which would lose one Member each. In addition to that, he proposed that eight small boroughs, now returning one Member only, should be grouped. They were Arundel, Ashburton, Calne, Dartmouth, Eye, Lyme Regis, Launceston, and Northallerton. These had an aggregate population of 35,000, or an average of over 4,000 each. He proposed to give the extra Members thus acquired to Birmingham, Bristol, Leeds, Liverpool, Manchester, Sheffield, Salford, Merthyr Tydvil, Swansea, and Birkenhead. These boroughs comprised an aggregate population of 1,831,147. He should also give additional Members to counties or divisions of counties which were not provided for in the Bill of the Government, as follows:—Counties and divisions of counties with a population of 150,000 (exclusive of places represented and to be represented) to return three Members:

Chester, Northern Division ; Chester, Southern Division ; Cornwall, Western Division ; Derby, Northern Division ; Devon, Northern Division ; Devon, Southern Division ; Durham, Northern Division ; Essex, Northern Division ; Essex, Southern Division ; Kent, Eastern Division ; Kent, Western Division ; Lancaster, Northern Division ; Lancaster, South-Western Division ; Lancaster, South-Eastern Division ; Lincoln, Parts of Lindsey ; Middlesex ; Norfolk, Western Division ; Somerset, Eastern Division ; Somerset, Western Division ; Stafford, Northern Division ; Stafford, Southern Division ; Surrey, Eastern Division ; York, North Riding ; York, West Riding, Northern Division ; York, West Riding, Southern Division. Comparing this scheme with that of the Government, the aggregate population of the counties omitted in the Government scheme and included in his was 3,850,000. The summary of his proposal was that it transferred twenty more seats than was proposed by the Government Bill from small boroughs with an average population of under 7,000 inhabitants and an aggregate population of 158,000. It gave Members to eight large towns with an aggregate population of 1,830,000 and an average of 240,000 inhabitants, and to eighteen counties or divisions with an aggregate population of 3,800,000 and an average of 210,000. One material difference in his Bill, compared with the Bill of last year, was that he took one Member each from nine boroughs containing between 8,000 and 9,000 inhabitants which were not in the Bill of 1866. Again, the scheme of last year was based mainly upon the principle of grouping. It proposed to create sixteen groups, including forty-one boroughs. Of the forty-nine seats obtained for the purpose of re-distribution, forty-one were gained by grouping. In his plan, however, grouping was a subordinate feature. He proposed to establish only seven groups, including fifteen boroughs, and gaining in this way only seven seats. His object was to submit something practical, as private Members were bound to do, which should have a chance of being adopted by the House. It was exceedingly difficult to apply the principle of grouping to a large extent without incurring well-founded objections of partial and unjust treatment. Impressed by this conviction he did not wish to make the system of grouping a prominent feature ; but, speaking from his

experience in Scotland, he believed the principle to be a sound one. In the grouped boroughs, both in Scotland and in Wales, there were fewer contests, there was less corruption, there was less turbulence and intimidation, and the elections were less expensive than in the grouped boroughs. He had once stood a severe contest, extending over several months, for a group of six burghs, and the total cost to him was something less than £600. Contests for small boroughs often sprang from local jealousies. In a small town, which had two rival newspapers, two rival attorneys, and two rival hotels, local jealousies were almost inevitable. But where you had an extensive group of boroughs, if a local clique attempted to dictate, the rest of the group grew jealous of it, and were disposed to set it aside. There was thus less chance of getting up an opposition against the sitting Member, except, of course, on public grounds. Again, he preferred grouping as being a milder process, and more Conservative, than that of absolute disfranchisement, which he thought would be found to be the only alternative in the case of the very small boroughs. Lastly, he had no other way of obtaining a sufficient number of seats for re-distribution, and though well aware that the principle had not met with much favour from the House, he had had recourse to it, though only to the moderate extent he had mentioned. In forming his groups he had kept three principles in view—the smallness of the boroughs, their contiguity, and the over-representation of the district in which they were situated. A very small portion of his scheme depended upon grouping. It would be open to the Committee to discard the principle altogether if they thought proper, or to alter its details and carry it still further. With regard to the application of seats to be obtained by disfranchisement, that was entirely an open question. He would state shortly why it was that he proposed to give three Members to large constituencies either in cities or boroughs. In making that proposal, he had been guided by the plan proposed by Lord Russell in 1854, that where constituencies had the privilege of returning three Members a mode of voting should be adopted which would secure a fair representation to an influential minority. All the arguments which could be urged in 1854 would tell with redoubled force now that the constituencies would be so much enlarged, and that something like house-

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hold suffrage would be established. But if it should be the pleasure of the House not to adopt that system there was yet another which might be adopted, one that had been proposed on the high authority of the late Mr. Cobden. Mr. Cobden's plan was that the large cities—and he presumed the case would be similar with respect to large counties—should be divided into several wards, each to return a single Member. Manchester and Liverpool, for instance, might be divided into three wards each returning a Member, and in that way a more equitable representation of the constituencies might be obtained. If the House failed to adopt either of those alternatives there might yet be with three Members a better chance of an influential minority being more fairly represented than it was at present. There was a feeling of fair play among Englishmen. Different interests would stand a better chance of being represented under a system of divisions than under that of cumulative voting. Important constituencies did not like to be neutralized by each political party returning one Member. If there were three Members it would often happen that where the Liberal party were strongest there would be no objection to the return of one Conservative and two Liberals, and in like manner where the Conservatives were strongest two Conservatives and one Liberal would be returned. That was really the case in five out of the eight places which returned three Members at present. The mode of dealing with the additional Members of the county was a question to which the county Members would direct their attention. What he now proposed was a scheme under which they would secure forty-five Members for towns, which might be carried up to fifty-two if the system of grouping were adopted. If they carried this Amendment they would have caught their hare, and it would remain for them to cook it, which they might do either by giving large constituencies three Members or dividing the towns into wards and the counties into divisions. He looked upon the proposal of the Chancellor of the Exchequer for the distribution of seats among counties as unjust in principle, because he would give an undue advantage to some counties over others. The right hon. Gentleman either gave to counties two additional Members or none at all. For instance, it was proposed to divide South Staffordshire into two divisions, one of which—South West

—would have only 77,000 inhabitants, and the other—South East—leaving out Wednesbury, which was to be created into a new borough, 90,000, while North Staffordshire, which would have no additional Member, had 1,620,000 inhabitants. Again, South West Durham, with 76,000 inhabitants, would get two Members, while West Cornwall, with 169,000, would get no additional Member. East Middlesex and East Surrey would each get, with a population of 70,000, exclusive of Croydon, two additional Members, while South Essex, with 207,290 would have no addition. He mentioned these facts to show how the Government proposal would work. He could not but think that the scheme he had proposed would be more satisfactory. However, it would be for the Committee, guided by the advice of the county Members, to judge which course was the better one and adopt it accordingly. He would now turn to the Motion immediately before them. If the House thought fit to adopt the principle of grouping, and to disfranchise the very small boroughs, it would be open to them to do so, and subsequently to carry out that principle to a larger extent. An observation was made by the Chancellor of the Exchequer on the second reading of the Scotch Bill, which struck him as directed more against the distribution of the seats in England than anything else—namely, that he wanted to keep a certain reserve to meet future changes in the growing population of the country. The scheme he (Mr. Laing) proposed would accomplish that wise object of keeping such a reserve. If they restricted the representation of all boroughs with a population of between 10,000 and 12,000 to one Member, there were no less than eleven boroughs from which a second seat might be obtained. They were boroughs not exactly in the odour of sanctity. If they once fixed the principle that Members should represent boroughs according to the extent of population, they might hereafter extend that principle with great advantage. There would be a probable reserve of from twenty to twenty-five Members which might be available for distribution in a future generation. The question practically to be decided by the vote of the Committee was whether, having acted with so much liberality in the extension of the franchise, and having gone in that respect so far beyond the Bill of last year, they would impair the symmetry of a great

measure, with which he hoped the name of the right hon. Gentleman the Chancellor of the Exchequer would be associated, by adopting a scheme of re-distribution inferior to what had been proposed in last year's Bill, and so obviously below the expectations and requirements of the country. When Gentlemen on both sides, and especially hon. Gentlemen opposite, had made such painful sacrifices upon the altar of their country, in order to secure permanence of result, would they allow those sacrifices to be impaired by leaving this question of re-distribution on a footing which made it absolutely certain that agitation would be revived? The great hope of resisting the slope along that incline which would lead us to democratic institutions almost parallel with those of America consisted in our making a settlement of the question in all its bearings on such a footing that moderate men in future Parliaments might be able to rally round it. If they dealt with it in a manner which did not recommend itself to the common sense of the country, they might depend upon it that agitation would ensue, and the first great political question which would have to be settled under the auspices of a Parliament elected by household suffrage would be this question of the re-distribution of seats. He did not pretend that his scheme was a complete settlement of every detail, but he thought that it would form the basis of a fair settlement. No doubt the Chancellor of the Exchequer had a great deal of difficulty to resist the pressure which was naturally put upon him by the representatives of the small boroughs which would be affected by the measure, but he trusted that he would evince the same courage on this occasion as he had evinced on the previous evening in resisting the pressure put upon him to retain the boroughs of Great Yarmouth and Lancaster. He had no objection, if the Government adopted the principle of his scheme, to leave the details in their hands. They were all engaged in doing their best to arrive at a sound settlement of the question, and he trusted that his contribution towards it would be satisfactory. He submitted it with all humility, but he was convinced that, were it adopted, it would be attended with more satisfactory results than the plan proposed by the Government.

Amendment proposed,

In line 27, after the word "Parliament," to insert the words "no Borough which had a less

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population than ten thousand at the Census of one thousand eight hundred and sixty one shall return more than one Member to serve in Parliament."—(*Mr. Laing.*)

Question proposed, "That those words be there inserted."

Mr. BAILLIE COCHRANE said, he felt that he led a forlorn hope in offering any defence of the small boroughs. His position was the more discouraging since Honiton was unfortunately always included in Schedule A of a Reform Bill. Threatened men were said to live long, but he feared that their doom was at length inevitable. Difficult as they found it to parry the attack of the right hon. Gentleman (Mr. Gladstone) last year, their situation was more painful now. "Had it been our enemies who had done this, then we could have borne it, but it was our companions, our own familiar friends." Fidelity to party would lead them to vote for their own extinction. They were called on to perform the Japanese ceremony of *hari-kari*, or happy despatch. Though glad of the opportunity of offering a few words in deprecation of their fate, he felt himself much like a prisoner at the bar when asked why sentence should not be passed upon him, for, say what he might, it would not avert judgment. Before, however, it was too late, he wished to make a last appeal to the Chancellor of the Exchequer. The House was about to confer a large measure of enfranchisement on the country, and they did well, but why should they couple with it the disfranchisement of a large population? On going through the list of the twenty-three boroughs which were each to lose a Member, he found, on referring to *Dod*, that there was in every one of them, a predominant local influence. The consequence, therefore, of leaving them with a single representative would be to throw them entirely into the hands of that local influence. The aggregate population being 140,000, 70,000 persons would be completely disfranchised since they would have no vote for the county. He could not see why additional seats should not be given to England as well as to Scotland, instead of proceeding by way of pains and penalties against those condemned boroughs. Where was such disfranchisement to stop? He fully agreed with the hon. Gentleman (Mr. Laing) that there was no reason why it should stop at 7,000 more than at 10,000, or 12,000, or 16,000. Where was the limit to be? The proportion of the num-

ber of Members to the population could never be exactly correct. Take the case of Lanarkshire. The population of that county (independent of the city of Glasgow), was 200,000. There was only one Member for the whole county. It was now proposed to add another, so that each would represent 100,000 persons. If they once adopted the principle of apportioning Members to population, they would sooner or later arrive at equal electoral districts. Both the late and the present Chancellor of the Exchequer had on former occasions pointed out the utility of small boroughs in introducing into Parliament in early life men whose presence was an advantage to the House. He would appeal to the right hon. Gentleman whether it would not be better to add to the complement of English boroughs than to punish these twenty-three boroughs merely because they were small, and to class them with the four who were to be disfranchised for corruption.

MR. SERJEANT GASELEE said, he rose not to support the proposal of the hon. Member for Wick, but his own, which the hon. Member had taken out of his hands. On the night the Bill was introduced, he gave notice of an Amendment that boroughs with less than 5,000 population should be disfranchised, and that boroughs having less than 10,000 inhabitants and now returning two Members should lose one. The hon. Gentleman had seized upon the latter proposal, and had no doubt handled it with greater ability than he himself could have done. At the same time, he thought that in courtesy the Member who first gave notice of a proposal should be allowed to bring it forward—

"Hos ego versiculos feci, tulit alter honores."

He had addressed a letter to the hon. Gentleman on the subject, informing him that he was poaching on his manor. He regretted to say that he had received no answer beyond an oral assurance that the hon. Gentleman would not interfere with him. The hon. Gentleman, by somehow placing a notice on the paper taking precedence of his, and by doing it in more technical terms, had jockeyed him out of his claim to priority. He was, however, quite willing to give him the credit of having ably advocated his proposal. If the hon. Member felt no compunction, and did not think he had done him any injustice, he himself was quite willing to take the same view of it. He had not given notice of his scheme of distribution of seats for

fear the hon. Member for Wick should filch that too. He had, however, got a scheme which, before they decided upon the plan of the right hon. Gentleman the Chancellor of the Exchequer, he should offer to the notice of the Committee, but which he was, for the reason he had stated, cautiously keeping secret for the present. The hon. Gentleman's (Mr. Laing's) plan was open to the gravest objection. He should make allowance for his Scotch prejudices. The hon. Gentleman told the House that—lucky man as he was—he had only paid £600 for his seat. He wished England to be as pure as Scotland. If his system of purity was to take a man's proposal out of his hands and pass it off as his own, he preferred the dishonesty of England to the honesty of Scotland. The English people were very much obliged to the hon. Gentleman for interfering in their affairs. He proposed to give another Member to certain boroughs of more than 150,000 population. He was thankful the hon. Gentleman had not given him another Member. He did not believe the hon. and learned Member for Sheffield (Mr. Roebuck) would thank the hon. Gentleman for giving him another Member. He believed that two Members were sufficient for any borough. He should be inclined to propose that the two additional Members for the district of the Tower Hamlets should be taken from the City of London. The hon. Gentleman, in dealing with the counties, gave them twenty-six Members out of the forty-eight which he proposed to take from the boroughs. If, however, he took from the boroughs, he should also give back to the boroughs. Unfortunately, however, as the House must have seen, the hon. Member for Wick did not know the difference between *meum* and *tuum*. He had now disposed of the only part of the plan which was the hon. Gentleman's own. The hon. Member had studied Scotland more than he had England. What did he propose to do for the metropolitan boroughs. There were 6,000 intelligent and wealthy householders in Paddington. Why did he not separate that district from Marylebone and St. Pancras and give Paddington a Member? What an opinion the hon. Gentleman must have of himself to set himself up against both the Government as it is and the Government as it was. The hon. Gentleman said—and he could not help boiling with indignation when he heard the hon. Gentleman appropriate his proposition—"Mine is the plan: make

[Committee—Clause 9.]

way, Mr. Chancellor of the Exchequer; hide your diminished head, right hon. Member for South Lancashire; this is my plan—the plan of the hon. Member for Wick, with the assistance of the hon. and learned Member for Portsmouth.” The hon. Gentleman proposed fourteen new boroughs which he had cribbed from the Government. So that of his proposal part belonged to the Government, part to him (Mr. Serjeant Gaselee), and the chances were that the rest belonged to some one else whom they might some day find out. The hon. Gentleman said the system of grouping worked well in Scotland. No doubt he thought so when they returned him for £600. He should like to send the hon. Gentleman to Portsmouth, and try whether they would return him for £600. He would then be able to speak with the authority of a person who represented 108,000 persons instead of the handful he now represented, and his plan might then come to some importance in the House. He differed entirely from the hon. Gentleman, and objected to the system of grouping. In his own scheme—which he hoped the hon. Gentleman would not filch from him—he did not interfere with the Government grouping, though he disapproved the system of grouping, because it would be presumption on his part to do so. He took that opportunity of tendering his thanks to the Chancellor of the Exchequer for the manly and able manner in which he had carried this Bill. Through good report and through evil report the right hon. Gentleman had met hon. Members with a temper which he wished they could all imitate, and a courtesy which they would never forget. The objection to grouping was that when old and new boroughs were grouped together the old boroughs corrupted the new. His plan was to take away the Members from all boroughs with a population of less than 5,000, and to take away one Member from every borough containing less than 10,000 population which now returned two Members. He also proposed that the new boroughs to be created should be entirely new, and should not be formed by grouping old ones. The boroughs created before 1832 were more corrupt than those created since 1832. As the first revising barrister for Yarmouth, he asserted unhesitatingly that he found the people not only accustomed to bribery, but that they rather gloried in it than otherwise. A new borough, on the contrary, did not understand

bribery, or what was meant by it, though, he was sorry to say, some Members very soon taught them.

Mr. GOLDNEY said, the observations of the hon. and learned Member for Portsmouth amounted to this—that the hon. Member for Wick had acted wickedly. Although his (Mr. Goldney’s) borough (Chippenham) was affected to a certain extent by the Government proposal, he would show the Committee that they ought to adhere to the Government plan, and not rush too hastily into that proposed by the hon. Member for Wick. They ought to remember the course which was taken by the Ministry in passing the Reform Act of 1832, and the figures and data upon which they relied in bringing forward that measure. In 1832 all boroughs with a population of less than 2,000 each were placed in Schedule A. Their right to representation was entirely taken away. Boroughs having a population of less than 4,000 were left with only one Member in cases where they possessed two. The seats thus obtained were distributed on the plan of giving one Member to every town of 10,000 inhabitants, and two to every town of 20,000. The scheme which was at present before the Committee had gone much higher than the scheme of 1832. A population of 7,000 instead of 4,000 was left as the basis at which representation by two Members should commence. Looking at the increase in the population of the country, if the principle of 1832 was right, the present principle was right also. In the Reform Act of 1832 the franchise was given to those who had an occupation of the annual value of £10. The present franchise was much larger than had ever been contemplated before, and, according to the largeness of their intention, so ought to be the care of the House, in endeavouring to assimilate the new constituencies with those of the Constitution as settled in 1832. Under the provisions of Part I of the Bill already agreed to, there would not be a borough left with two Members with a constituency of less than 1,200. A number which might fairly be regarded as independent of those attorney and newspaper influences to which the hon. Member for Wick had referred. Moreover, as matters stood at present, there were only eighty out of the 186 boroughs in England which had a larger number of electors than 1,200. The experiment contemplated by the Government measure was sufficiently large and im-

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portant without extending it in the manner proposed by further disfranchisement. The Government by their scheme obtained thirty-six seats, which they had distributed to the satisfaction of all parties. If hereafter new towns should rise into importance, it might be possible to provide for their claims at the expense of other places guilty of practices such as had led to the vote of last night.

MR. SAMUDA said, that the proposal of the hon. Member for Wick was one that could only be justified by strong political necessity, or by the delinquency of the particular boroughs affected. Care should be taken to make the disturbance in the existing order of things—that the alteration of the law would create—as small as possible. The proposal of the hon. Member for Wick would create a much greater disturbance than that of the Government. He had sought in vain to gather from the argument of the hon. Member any proof that grounds of this nature existed for the rash course he contemplated. It was alleged last year by the adoption of the 8,000 limit, injustice would have been committed, because Bridport happened to fall just within, and Tavistock just beyond, the boundary line. If the hon. Member would compare the four largest boroughs he now proposed to disfranchise with the four just beyond his line of 10,000, he would find that there was not on the average a difference of 300 voters between them. He did not think that so fine a line should be drawn, and made to act disadvantageously as regarded boroughs which had not been guilty of corrupt practices. Tiverton had returned Lord Palmerston; Tamworth had returned the late Sir Robert Peel; Tavistock had returned Earl Grey, and subsequently Lord Russell. If the House went on in that way they must come, before long, to electoral districts.

MR. NEWDEGATE said, that the hon. and learned Member for Portsmouth (Mr. Serjeant Gaselee) had complained that his hobby had been stolen by the hon. Member for Wick (Mr. Laing), and that its head had then been turned round the other way from that which he had intended, if the hon. Member for Wick had not mounted with his face towards the tail. The hon. and learned Gentleman spoke of the idea of increasing the county representation in the spirit of a Shylock. It should be remembered how very small was the proportion of direct representation in that House which the majority of the English

people resident in the counties possessed, as compared with that allotted to the minority in the boroughs, considering the population and the property within each respectively. The 11,500,000 people in England and Wales residing in the counties were directly represented by only 162 Members, while there were in that House no less than 334 representatives of the 9,500,000 people, residing in the English and Welsh boroughs. He believed that it was very desirable that this inequality should be redressed as far as possible. He had listened attentively to the able statement of the hon. Member for Wick, and no one who had heard it could doubt that the plan proposed by the hon. Gentleman proceeded from one of the most intelligent and business-like minds in the House. These qualities, indeed, as possessed by the hon. Member, were universally recognised. He felt grateful to the hon. Member for having proposed the increase of twenty-six representatives for the counties, while the Government by their measure would limit the increase under that head to fifteen, although the county Members had for years constituted the principal element of their strength in that House. The hon. Member for Wick had adopted the increase of the county representation which had been proposed by the late Government. The inequality that the House was called upon to redress was so great that he (Mr. Newdegate) thought the proposal a very short measure of justice, for he remembered that by the Bill which was proposed by the Government of Lord Aberdeen in 1854—a measure framed by Earl Russell and Sir James Graham with the sanction of Lord Palmerston—forty-six Members were intended for the counties, in addition to their present representation. The Committee had hitherto been discussing at great length the question of the borough franchise, all the details relating to the compound-householders, with all the minuteness of a parish vestry; they had also given some little attention to the county franchise, but they seemed to forget that the essence of Parliamentary Reform really consisted in the allocation of the representation. The redistribution of seats had been truly described by the hon. Member for Birmingham, in a remarkable speech made in 1859 at Bradford, as the soul of Reform. It was the most important point to be dealt with in reference to the subject of Reform, and deserved their most serious considera-

tion. No one who remembered the magnitude of the change, which had been effected in this matter by the Reform Act of 1832, and the advantages, of which that change had been productive, could, he hoped, feel alarmed at the moderate proposal now made by the hon. Member for Wick. He would lay a few figures relating to that matter before the Committee. By the Reform Act of 1832 no alteration was made in the number of Members in that House, but the following changes were made in the re-arrangement of Members to the constituencies:—Fifty-six boroughs with populations from twelve to 3,961, were disfranchised; thirty boroughs, with populations from 2,325 to 8,915, and sending two Members each, were reduced to one Member each; one borough (Weymouth and Melcombe Regis), with a population of 7,700, sending four Members, was reduced to two Members; the Parliamentary area of eleven shire towns or boroughs in Wales was extended by adding adjoining places, and the limits of other boroughs were altered; twenty-two new boroughs, with populations from 23,129 to 359,864, were created, with two Members each; twenty new boroughs, with populations from 10,339 to 40,786, were created with one Member each; one English county (Yorkshire), sending two Members, was increased to six Members; twenty-six English counties, sending two Members each, were increased to four Members each; seven English counties, sending two Members each, were increased to three Members each; three Welsh counties, sending one Member each, were increased to two Members each; and one new county district (Isle of Wight) was created, by being severed from the county of Southampton, with one Member. There existed at the present moment a new and most important reason why it was prudent that the Legislature should add to the county representation. The House had just adopted the principle of household suffrage for the boroughs, and had thus secured a vast increase of strength to the action of democracy in this country. What were the characteristics of democratic action? The natural result of the establishment of democratic ascendancy would be to create in the larger towns constituencies that would be—he would not say revolutionary—but that would be fluctuating and impulsive in their opinions and desires, uncertain, yet arbitrary in their action; and, although free from corrupt influences generally, yet

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liable to be led away by self-constituted leaders. Such would be the effect of enfranchising large masses of the wage-earning class in borough constituencies. The effect of constituencies of this class, when divided into small knots, such as the constituencies of the small boroughs, would be very different; for in constituencies of this kind corrupting influences would become extremely powerful. This had been proved by experience in the case of the old scot-and-lot voters and freemen. The best check to the double danger of capriciousness on the one hand, and liability to corruption on the other, would be to extend the county representation, in which each of those influences was comparatively powerless. That was a truth which had been perceived and acknowledged by Lord Chatham, by Mr. Pitt, by Mr. Grey, Sir Francis Burdett, and many other distinguished statesmen. The advantage of representation based upon property and population conjoined, as in the counties, was described by Lord Chatham in language so beautiful that were he not unwilling to detain the House he should have quoted it. He (Mr. Newdegate) would, with the permission of the House, read the Resolutions proposed by Mr. Pitt in 1783. The first Resolution was—

“That the most effective and practicable measures ought to be taken for the better preventing both of bribery and expense in the election of Members to serve in Parliament.”

The second—

“That whenever it shall be proved before a Select Committee of the House of Commons, duly appointed to try and determine the merits of any election, or return for any place in the kingdom, that the majority of the electors had been guilty of corrupt practices in such election, it will be proper in all such cases, that such place shall henceforth be disabled from sending representatives to Parliament, and that such electors as shall not (by due course of law), be convicted of any such corrupt practices, shall be enabled to vote at the election of the knights of the shire, in which such place shall be situated.”

These were the two Resolutions, in the spirit of which the House had yesterday acted in the case of the boroughs proved to be habitually corrupt. He (Mr. Newdegate) hoped that the House would that evening act in the spirit of the third Resolution, which was—

“That, in order to give further security for the independence of Parliament, and to strengthen the community of interests between the people and their representatives, which is essential to the preservation of our excellent Constitution on its true principles, it is proper that an addition should be made to that part of the representa-

tion, which consists of Members chosen by the counties and the metropolis."

He (Mr. Newdegate) trusted that the House would act in the spirit of this Resolution with respect to the re-distribution of seats; the House could scarcely act upon higher authority. But the right hon. Gentleman the Chancellor of the Exchequer had, in 1859, while introducing the Reform Bill of that Session, declared that in re-distributing the representation of the country, he should discard all consideration for the population and property, existing in the several localities and districts, and even of the claims of population and property conjoined; thus differing distinctly from both Lord Chatham and Mr. Pitt, as well as the other high authorities whom he (Mr. Newdegate) had mentioned. Last Session the right hon. Gentleman used these expressions with respect to the county representation—

"The House knows well the statistical fact, that 11,500,000 of the population of this country are represented here by 162 county Members. They know that 9,500,000 people, living in boroughs, are represented in this House by 334 Members—borough Members. Well, now, upon the first blush one would naturally say, how is it possible that such a system could have existed so long, and worked so well, founded upon such monstrous anomaly, on such injustice, as that 11,500,000, of a free people should be only represented by 162 men, while 9,500,000 people, because they live in boroughs, are represented by 334 Members."

This was spoken by the Chancellor of the Exchequer on the 4th of June last. Afterwards the right hon. Gentleman, in the same speech, made the following statement:—

"I will now state to the House—I may be mistaken in what I say; but, at all events, I have gone through the necessary research and trouble—the number of supplementary votes, which the landed interest—that is to say, these 11,500,000 people, who are not represented, except by 162 county Members—receive. It is eighty-four. Now, if you deduct eighty-four from 334, the number of borough Members, you will find 250 as the result. If you add these eighty-four to the 162 county Members, you will find the result to be 246, as against 250; and there you see the counteracting machinery by which our system has been permitted to work so advantageously. It is not a complete and perfect adjustment of the claims of the landed interest; but you cannot in the arrangement of a large and ancient constitution, expect too great nicety, but only a fair approximation to what may be called electoral justice."

The Committee would observe that the right hon. Gentleman, the present Chancellor of the Exchequer, had here spoken of the county populations, of all the in-

terests beyond the limits of the cities and boroughs, as though they were properly comprised under the term the landed interest, which had otherwise been described as the agricultural interest. Such was not, however, at all the fact with respect to the county populations, which were nominally represented by 162 county Members; but really by not more than 100 or 106 of these Members, in the sense in which the boroughs are represented directly and exclusively by the 334 borough Members. For the freeholders and leaseholders, whose qualifications are within the boroughs, but who, in virtue of these qualifications, vote for the counties, within which the boroughs are situate, are so numerous, that if the proportion which these borough voters at county elections bear to the whole number of the county electors is deducted from the aggregate of the county electors, it will be found to amount to a third or thereabouts of the whole number of the county electors; and if this influence which the borough voters for the counties possess on the county representation is measured by a proportionate deduction from the aggregate of county Members, it will be found that not 106 county Members remain to represent the majority of the English and Welsh population and property, who reside, and which lies beyond the limits of the boroughs, in the direct and exclusive sense, in which the 334 borough Members represent the minority of the population, who reside within the boroughs. But he (Mr. Newdegate) could not at all admit the deduction from the great excess of representation of the minority of the people resident in the boroughs, that the Chancellor had attempted last Session by alleging that eighty-four of the borough Members represented the landed interest, as the Chancellor of the Exchequer termed the majority of the population, resident in the counties—a description which he (Mr. Newdegate) thought very inaccurate. He had searched for the eighty-four borough seats, which were alleged to represent the county interest, the majority of the English and Welsh people. He (Mr. Newdegate) had searched for evidence of the position taken by the Chancellor of the Exchequer, that these eighty-four borough Members represented the landed interest. He (Mr. Newdegate) admitted that some of the small market towns in agricultural districts, which were boroughs, continued to be connected chiefly with the commerce of agri-

culture. But he (Mr. Newdegate) could find no evidence that anything like eighty-four seats for borough constituencies were of this character; on the contrary, it was notorious that the course of trade, of finance, and of credit connection had resulted in rendering many of the minor boroughs dependent on the great commercial and manufacturing centres. It was notorious that many of the shopkeepers in these boroughs had lost their independence by becoming the mere commission agents of the large establishments in the great centres of manufacture and commerce. While in proportion as many of the smaller boroughs increased in size, their local interests had become more absolute, and less connected with the land around them. He himself was connected with two counties—Middlesex and North Warwickshire—in both of which the landed or agricultural interest was in a small minority. The same remark applied to several of the midland counties. But he would take one instance to show how inaccurate was the inference that the landed interest comprehends the whole interests of the counties, of the majority of the English people. The yearly value of minerals, including coal brought up from the mines, was £27,000,000. There were 333,000 persons employed in raising these minerals, which, multiplied by three, to embrace their families, gave about 1,000,000 of people dependent immediately upon mining. The annual value derived from the smelting of iron and copper, &c., amounted to £13,000,000, which, added to the £27,000,000, made a total of £40,000,000 annually derived from sources in the counties, with which agriculture, the landed interest proper, had no connection whatever. In addition to this it was to be borne in mind that there were large commercial and manufacturing interests in the counties, which were also disconnected from the landed influence. The House would commit a grievous mistake if, from some jealousy of the great landed proprietors, they failed in doing justice to that large population, which comprised one-third of the inhabitants of the United Kingdom, who resided beyond the limits of the boroughs. It could not be said that the county Members were such an incumbrance that any increase in their numbers ought to be most jealously avoided. Some gentlemen seemed to think that they were an intellectual obstruction, but what were the real facts of the case? Why the right

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hon. Gentleman the Member for South Lancashire, whose acquirements, intellect, and capacity nobody could impugn, the Leader of the Opposition, was a county Member, as was also the right hon. Gentleman the Chancellor of the Exchequer. What was further to be noted was, that while the majority of the English people, living in counties, were most inadequately represented, the same could not be said with equal force of the property and the county populations in Scotland, nor with equal truth of those in the counties of Ireland. On this ground alone there was surely reason for demanding a remedy. The hon. Gentleman the Member for Birmingham professed to meet the case of the counties by saying that the agricultural interest was amply represented by the House of Peers, and that there was therefore no necessity for increasing the number of the county Members. This was a most fallacious supposition. The House of Peers was by the constitution of this country precluded from dealing with any matter of finance or taxation. How, then, could they represent the large and important county interests, to which he had referred? It was not true that the Peers were wholly connected with the agricultural or landed interest. The Marquess of Westminster, the Marquess of Salisbury, the Earl of Derby, and many other Peers had the greater part of their property within the boroughs; and if any one went systematically through the roll of the Upper House, it would be found that, as a rule, the wealthiest Peers were scarcely more connected with agriculture than with other interests. Then, again, with respect to the question of intelligence. A prejudice existed to the effect that the majority of the people living in counties were intellectually inferior to the inhabitants of boroughs. There could not be a greater mistake. The men who realized fortunes in manufacturing and commercial pursuits left the boroughs, where they gained their money, and went to reside in the counties, and immediately that they did so, they lost more than half their political influence, owing to the smallness of the direct representation of the counties, compared with that of the boroughs. The acquisition of wealth had always been held a proof of intellect, and the possession of wealth enabled these persons to give their sons a superior education. The property, the intellect, and the education of these persons and their families were disfranchised

by half when they left the boroughs and settled in the counties. On whatever ground, therefore, the Committee might consider this question, a sufficient case, he thought, had been made out for increased representation for the counties. Nor was he alone in holding such an opinion. He (Mr. Newdegate) was, on this subject, a pupil of the late Sir James Graham, and Sir James Graham had himself told him (Mr. Newdegate) that he considered the counties ought to have forty-six additional seats, which would now be forty-three, since three of the four seats, from Sudbury and St. Albans, had been allotted to the counties.

SIR GEORGE GREY: We have heard a good deal during this discussion of the advantages likely to be derived from the course pursued by the Government in respect of the borough franchise. It is said that we have at any rate obtained a resting-place in dealing with this branch of the question, which has been the subject of such controversy in this House and throughout the country, and that in fixing upon household suffrage qualified only by rating, and free from those checks which the Government at first thought necessary, we shall put a stop to further agitation, because no man who has any weight or influence in the country, or any regard for our mixed constitution, or who has the true interests of the country at heart, will advocate any further extension of the suffrage. Not undervaluing that advantage, we are much diminishing, if not wholly depriving ourselves of, the benefits to be derived from it, if we do not deal with the other branch of the subject so as to check and not to invite agitation. That agitation would be more formidable than anything we have yet seen, because it would be backed by that popular element which you are infusing into the borough constituencies. In re-distributing seats we should attempt such a settlement as will give us a reasonable prospect that it will not be disturbed by the first Parliament to be elected by the new constituencies. I do not think that the Government plan affords any such prospect. The probability is, that in the very next Parliament the question would again be agitated. I am not complaining of the Government for their proposal, because I know well the difficulties in which any Government must be placed in making a proposal for a large disfranchisement. We all know that the wider the plan of disfranchisement the

greater the amount of individual opposition. At every step you take in this direction you enlist against you Members whose supposed interests or those of their constituents are directly affected by the proposals of the Government. Looking, however, at the important alterations which have been made in the Bill, and which will be apparent on a comparison of the original Bill with the Bill as re-printed, I cannot help hoping that the Government will not feel themselves bound to adhere to their original proposal, but, with a view to the permanent settlement of the whole of this question, will be prepared to go much further in the re-distribution of seats. My hon. Friend (Mr. Laing) has explained the scheme he proposes to substitute for that of the Government. The Motion now before the Committee, is that boroughs with a population of less than 10,000 shall return only one Member. That is the proposal we are now asked to decide. I cannot hesitate to support it on the ground that it lays the foundation for a more satisfactory settlement than the plan of the Government. Last year we proposed that boroughs with a population of less than 8,000 should lose one Member. It may be said that there is some inconsistency in making that proposal and in now advocating one which goes further than that did. But I do not think that proposal, limited to boroughs with 8,000 inhabitants, was one which we should have been able to maintain. My doubt now is whether we ought to stop at towns with a population of 10,000. Another reason for adopting this proposal is that it will answer the question which the Chancellor of the Exchequer has more than once declined to answer, with regard to the source from which additional Members for Scotland are to be supplied. The right hon. Gentleman said that the wisdom of Parliament would answer that question. I hope the wisdom of Parliament will now answer it by affording to the Chancellor of the Exchequer the means of doing justice to Scotland without increasing the number of this House. It has been said that there is no magic in the number 658. I agree in that; and it is possible that there may be at some future time good ground for altering the number by increasing or diminishing it. But I cannot help feeling that the greatest inconvenience will follow any departure from that number which rests on long prescription without the most paramount necessity. If you in-

crease that number now, the Chancellor of the Exchequer will be exposed to claims from places which, looking at them merely in themselves, may have a fair claim to representation. We cannot then tell them that we have disposed of all the vacant seats. They will say, "Having increased the number of Members to 662 or 665, you might as well have two or three more."

If you once depart from the present number you will have Lancaster and Great Yarmouth re-opening the question, and saying "Look at our large population; you have dealt with us very harshly; put us again in the position of returning Members to Parliament." I hope therefore that this proposal will be adopted, and that we may do justice to Scotland without incurring so serious an inconvenience. I agree with the hon. Member (Mr. Newdegate) that it is desirable that the county representation should be increased to a larger extent than that proposed in the Bill. In every sense this proposal would enable us to deal more satisfactorily with the re-distribution of seats, and therefore I shall support it. Although the whole plan is not before the House, I must say a word upon the mode in which my hon. Friend proposes to deal with the smallest class of these boroughs. Last year we proposed an extensive system of grouping. We felt that there was no alternative between disfranchisement and grouping, and that these boroughs, some of them containing a population of less than 3,000—a population, too, which is continually decreasing—could have no chance of remaining as a permanent part of the representation. We therefore thought it necessary to deal with them, and adopted the system of grouping. I am aware of the difficulties which are raised to any such proposal, and I do not express any opinion upon that part of the scheme of my hon. Friend. But the proposal of the Government to leave some of the smallest class of boroughs standing alone is only to invite future attack. It may be said that you are now, by the extended franchise, largely increasing their constituencies. But you cannot very largely increase the constituencies of these boroughs. I doubt whether the increase you will make in many of them, where you will add to the constituency a large body of agricultural labourers, will add to the importance and the weight of these places in the representation of the country. With such a population there is no reasonable hope that

these boroughs can be permanently maintained in our representative system. On every ground therefore I think it is desirable to adopt the Motion, without pledging ourselves to the details of the whole scheme proposed. Indeed, I understood from my hon. Friend that if this Motion were carried he would leave it to the Government to reconsider the distribution of seats.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member for Wick, when he introduced this Motion, recommended it to our adoption for one reason—namely, that it would diminish the anomalies of the present system. I think the hon. Member was not as prudent and sagacious as he usually is in his observations when he founded his recommendation on such a ground. I shall not argue the case *pro* or *con* upon the question of anomalies. In an ancient representative system like ours there must be anomalies. It is very likely that by sudden and extensive changes we may produce anomalies perhaps more inconvenient than those which now exist. To contend that a town of 8,000 inhabitants returning two Members to Parliament, while a city with 500,000 only returns the same number, is an anomaly which is intolerable, is inconsistent with recommending to the House that a town with 10,000 inhabitants should be placed in exactly the same position. The anomaly is much the same with the population at 10,000. At any rate it is a question of degree, and if you pursue that train of calculation you will soon find yourselves with results under which your whole representative system will fall to the ground. When you adopt the principle of avoiding anomaly as your guide in the re-construction of your representative system you are startled when you find a town like Northampton returning two Members, while other towns in the North of England with 500,000 are represented only by the same number. But we never adopted the principle that the Gentlemen sent to represent places in this House should represent the numerical amount of the inhabitants. Accident has had a great deal to do with the matter. But at no period has it been a matter of importance to us that we should come to some contrivance by which large cities should be numerically represented. If the plan were partially carried out, and partially carried out it could only be, it would have a most injurious effect upon the House of Commons, and it would not tend to increase or maintain that influence which it

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is desirable the House of Commons should exercise over the general mind of the country. When you have a question of this kind before you it would be well that you should be guided by some principle, though perhaps not one of universal application. The principle which has guided us is this, that we should supply representation to those communities that have sprung up or have greatly increased since the Act of 1832, and which at present are not represented. To give representation to those that are not represented is a safe and practical policy which we recommend the House ought to adopt. With that view our attention has been directed to towns—new communities are necessarily towns—and we have placed the names of those towns before the Committee. The considerations which ought to influence us in coming to a conclusion in this matter are the population of those towns, their industrial or commercial importance, and their probable future increase; also their position in different parts of the country, for you ought not to have a number of towns so represented in the same part of the kingdom. But if you give a considerable increase of representation to the towns you aggravate the inequality, which no one has more fully impressed upon the House than myself, between the representation of the counties and the towns. It is therefore necessary when you consider by what means you should give representation to those new communities which do not possess it, but which are entitled to receive it, that you should take some means simultaneously, by which you should at least sustain the relative position of the county representation. You must consider the means of which you can avail yourselves for giving representation to the new towns, and at the same time increasing proportionately the existing representation of the counties. These were the two objects to which we confined ourselves. These were the principles by which—with the exception of giving one representative to a place of learning, and favouring the idea of bringing representatives of Universities into this House—Her Majesty's Government have been guided. They are practical and prudent principles. They meet the exigencies of the moment, and the Committee should pause before they pass that line. It is very easy to disfranchise; it is very easy to say that it is anomalous that those small places should have any representation, or a representation out of all propor-

tion to their importance when compared with other places. The difficulty when you have disfranchised is to enfranchise. You can draw up a scheme for giving away sixty or seventy seats; but when you come to apply wisdom and prudence to the distribution of the seats at your disposal you will find yourselves in circumstances of great difficulty. You are safe as long as you give representation to places which ought to be represented in this House and are not. Her Majesty's Government have pursued that policy as far as possible. I do not know any places which have a claim to be represented for which we have not provided. You are safe in making changes of that kind. You are also safe in giving a proportionate increase to your county representation. Here you find, as it were, a natural limit, for you follow the general principles which have hitherto regulated your legislation. In the scheme we have laid before the House, by dividing those counties and sections of counties in which the population has reached an amount which justifies an increase of representation we give that increase. But the number of counties that can be so treated is exhausted. What has been the result? We have been told today and were told before, and a serious result it is, you must accumulate representation in particular towns, cities, and counties. You are entering upon a new course, and I recommend you to pause before you adopt it. There are different schools of representation rising up in this country whose views are now beginning to be more familiar to the world than they were before. Last night a distinguished Member of this House brought before us, in a manner which I think was most interesting, a particular scheme of representation, the object of which is to give what is called representation to minorities. That is a very important principle, but it would be well for the Committee to hesitate before adopting it. I will not now dwell upon it, because I wish to advert to other schemes which depend upon the allocation of a third Member to certain constituencies. One of these plans is cumulative voting—that any constituent may give his three votes in favour of one person. Another, of which I see a Notice upon the Paper, and which is to be brought under our consideration, is that, in those electoral communities which are to be represented by three Members, the constituent should have the curtailed privilege of voting only for

two, so that the minority may have a representative secured to them. Well, Sir, these may be wise schemes, or they may be crude—that is a question for discussion. I can understand proposals for increasing the representation of places by adding a third Member if you are ultimately to adopt these schemes; but if you are not, it appears to me that it is a perilous course we are asked to pursue. There is no place which needs to be represented by more than two Members. In this age of rapid communication, both personally and by post, if we were to choose between three Members and one, I should certainly be in favour of one Member. The general tendency of our legislation has been in the direction of one Member. Bear in mind the great increase of our population and property, an increase which I hope will continue. Assuming that this great country will multiply as it has done in wealth and population, and knowing that we must have additions to our representation, it is a safe and wise principle to hold that one Member is competent to represent a community. You have already many constituencies with only one Member, and if you give increase to that system, places with one Member must at last command a majority of this House. If you adopt any of those schemes with respect to three Members, it is impossible that this can come to pass. I think before the House sanctions any of those schemes for securing the representation of the opinions of minorities we should consider whether it is not the business of the House to represent majorities. It is a fallacy to suppose the minority is not represented. Under normal circumstances the minority must be with the Opposition. That does not apply to the present state of circumstances, but that is only an accident. Although the House may in the aggregate represent the opinions of the majority of the country, there are a great many places that form part of that aggregate where the minority in the House are the majority in the country. Those opinions, therefore, whether generally popular or unpopular, are expressed and vindicated in this House, and if they are just and right will in the long run prevail. That, in my opinion, is the best mode by which the opinion of the minority can be ascertained. Schemes by which the opinion of the minority is to be locally secured—secured not in the aggregate assembly of the nation, but where they are, in every consti-

tuency, whatever may be the opinions of the majority—would necessarily result in a weak and feeble Government. You would not have in this House that strength which arises from the victorious conflict, in a general election, in a free nation, of opinions which, being prevalent, ought to be represented. It appears to me that all these schemes of representing minorities are schemes which naturally tend to the formation of a feeble Executive. Unless, then, these are the results which are sought by establishing constituencies each with three Members, I see no reason for adopting the policy which the hon. Member for Wick has recommended. He does not pretend to say that if the Government measure were adopted there would be any community in the country unrepresented. No one says that. But he says there will be great dissatisfaction and great agitation if we do not approve his scheme. But why should there be agitation? Why is there agitation upon the subject of the representation of the people so far as the distribution of seats is concerned, except because communities of industry, wealth, and numbers, are not at present represented? If every place having a fair claim to representation is provided for, I cannot believe there is any likelihood of the agitation which the hon. Member apprehends. Where, I repeat, is the agitation to come from? The only complaint that can justly be made is that the counties are not adequately represented. There is not the slightest doubt about it—it has been proved very often—that the counties are not adequately represented. I should be glad to see them adequately represented; but I do not believe there is any chance of attaining that result by any violent method. Some of my Friends seemed favourably disposed to the scheme of the hon. Member for Wick on account of its increasing the representation of the counties. I am not at all sure that the Motion before the House would secure that increase. It would greatly augment the number of seats at your disposal; but when you have them you may probably have proposals made very different from those which have been contended for by my hon. Friend (Mr. Newdegate.) With his views upon this subject I have always agreed, having, indeed, always advocated them. I think he has quoted somewhat incorrectly a passage from something I once said. He seemed to suppose that I had mistaken the population of the counties generally for what he calls the agricultural

interest. The "agricultural interest" is a phrase I avoid. I have used the term "landed interest." But I look upon the phrases "agricultural interest" and "landed interest" as by no means identical. The landed interest includes all those interests that spring from the land, such as the mineral treasures developed from the land, which commonly belong to great landowners. I will not, however, detain the Committee on this point. I only wished to vindicate myself from the charge of my hon. Friend. Now, Sir, I want the Committee fairly to consider the position in which we are placed. I do not want to refer to previous measures on this subject; I am perfectly content to confine myself to the point before us. The right hon. Gentleman (Sir George Grey) has taken another view. He seems to have given in his adhesion to the general sentiment of the Committee with respect to the borough franchise, and he argues from the fact of the borough franchise having been adopted, the necessity of a large re-distribution of seats. I was unable, however, to collect from the right hon. Gentleman what was the principle upon which he based the necessity of such a scheme. Is he prepared to say that there are certain interests and communities in this country which by the proposal of the Government will not be adequately represented? Are the Committee prepared to lay down the rule that they are not to limit their remedial course in this respect to giving representation to places which deserve representation and do not at present possess it. Are they to go about in search of a complete ideal of representative government in this country? If so, there is no reason why we should stop at the limit which the hon. Member for Wick proposes, and which the right hon. Gentleman supports. If once you pass the line of providing for that which is necessary—if once you enter into the large area which the hon. Member and the right hon. Gentleman have entered into, I cannot see why we should stop at the conclusions at which they have arrived. There is no reason, if this question of the representation of the county population is to be considered upon its merits and not with reference to the circumstances before us, why we should not carve out the country, and endeavour to give a mathematical and precise representation to the 11,500,000 who undoubtedly are very inadequately represented. I do not think the Committee are prepared for this. The Committee are animated by

an essentially practical view. They will guide themselves by certain practical and prudent considerations. They will give representation where it is wanted, and as far as the counties are concerned will do that on which we all agree—namely, take care that their relative position with regard to the represented towns should not be injured. These, Sir, are the objects which Her Majesty's Government have in view in the scheme they have placed before the Committee. It may not be a large or extensive scheme. But it is a scheme founded upon a principle—that of meeting public wants—and it is conceived in a spirit of public prudence. I hope, therefore, the Committee will not embark on the sea of troubles on which I fear they will find themselves if they sanction the Motion of the hon. Gentleman. The country will accept this as a prudent and satisfactory settlement of the question at this time. The question of the re-distribution of seats is not like the franchise. The franchise is now founded upon principles which as far as human calculation is concerned may be taken as the basis on which our electoral system will rest. But periodically—it may be half a century, or it may be a longer or shorter interval—you will have great towns arising. Periodically you will have industry developed in particular counties in a manner which no sagacity could foresee. You will have communities and populations which require representation in this House. When those occasions arise, when those claims are made, they will be met by the wisdom of Parliament. But the moment we attempt to frame an ideal system of representation, or at all to approach such a change in our representative system, we undertake a difficult task. In confining ourselves to giving representation to those who we acknowledge require it, and in redressing as we practically can the deficiency in the representation of the counties, we follow a prudent course. We shall never make a mistake if we follow that course. That is the course Her Majesty's Government recommend, and which I hope, in order to avoid embarrassment, the Committee will sanction.

MR. GLADSTONE: It has been with some regret and disappointment that I have heard the speech of the right hon. Gentleman. I think the Motion of my hon. Friend gives expression at this stage of his plan to a sentiment widely spread in this House, the prevalence of

[Committee—Clause 9.]

which is by no means confined to one side of the House, and one which is still more widely extended out of doors. This not being a matter in which Her Majesty's Government can feel that they are bound by any theory or previous expression of opinion, I hoped that the right hon. Gentleman was about to say that he would be prepared to recognise that sentiment. I was glad to perceive that, while the Chancellor of the Exchequer reasoned ingeniously and ably—as he always does—in support of the view he takes, he did not make any of those significant announcements which might convey to the minds of Members apprehensions with regard to the general disturbance of his plan in the event of the adoption of my hon. Friend's Motion. I therefore hope and I assume that this is a question which we may discuss without fear or favour or prejudice of any kind, and in that spirit I shall endeavour to argue it. I agree with my right hon. Friend (Sir George Grey) that we bring no charge against the Government, nor find fault with them because in the exercise of their discretion they have thought fit to submit a limited plan to the House. We bring our ideas into the common stock with a view to the adoption of that plan which may be most advantageous to the country. The right hon. Gentleman made an ingenious and able argument with respect to the representation of minorities. I do not think it necessary to enter into that subject. The relevancy of it to the Motion now before us was founded upon an assumption which does not appear to me to be sustained—namely, that if we are to have a large scheme of re-distribution, and a considerable number of seats at our disposal, there is no method of disposing of those seats except by establishing upon an extensive scale what is termed the unicorn system of representation. Why? The right hon. Gentleman has given us an example of the sub-division or re-division of counties. Why may we not follow that example, and act on a more extensive scale upon the principle he has himself adopted? He said that that process had in the Bill reached its utmost limits. But he adduced no proof, either political or geographical—and I do not believe any proof can be adduced—to show that it would not be perfectly practicable and convenient, if the Committee should think the system of representation by three Members is less convenient than the sys-

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tem of representation by two, to enter upon the system of further sub-division or re-division. This system is not wholly inapplicable to the case of great towns. The Chancellor of the Exchequer has opened the door to the augmentation of great towns without adopting the representation by three Members. He has opened it doubly by proposing the sub-division of the Tower Hamlets. He has made provision to divide that into two boroughs, and to give two Members to each. He has also proposed to sub-divide Glasgow city into two parts, and to represent one part by two Members and the other by one. I have this morning had the opportunity of seeing a deputation from a town of great importance and intelligence, and I put this case to them. I asked them whether, if Parliament gave them additional Members, in which of two ways they would like to enjoy the benefit—whether by three Members representing the whole town, or to make an unequal division. The answer unanimously given was, "We would rather have two Members for the larger portion, and one for the smaller." The town in question is not separated by the geographical division of a river like Glasgow. It is the town of Birmingham. It is a false assumption to suppose that if you enlarge the area for re-distribution of seats you are thereby driven to the adoption of the system of the representation by three Members of one constituency. That is a perfectly open question, and, so far as I am able to form an opinion, the judgment of the House and of the country is adverse to the wholesale adoption of such a course. The right hon. Gentleman says that there is nothing easier than the process of disfranchisement. That is not my experience. "It is the first step that costs," in a course of this sort. It is now, when there is a barrier before us, partly in the judgments, partly in the pardonable associations of Members, and their special localities—now is the time when we confront difficulties. After removing the obstacles which have been before us this Session, I think the country will expect us in dealing with the great remaining chapter of this subject to manifest a spirit not less courageous than that which has cut the knot of the borough franchise. The right hon. Gentleman says there is no use in speaking of the reduction of anomalies, because in all ages there have always been anomalies, and it does not matter whether the anomaly is a

little greater or a little less. But the ideas of the right hon. Gentleman on the subject are really a re-production and echo of that which was the constant strain of the opponents of the old Reform Act. They said you cannot altogether remove anomalies. Therefore, there is no use in attempting to mitigate their extent. The right hon. Gentleman says we ought to look at the question in a practical spirit. Let us, then, look in a practical spirit at the subject of anomalies. In theory it may be very well to say that as long as any anomalies remain you will have the materials and incentives to agitation, but practically it is not the case in human affairs. It is by the mitigation of anomalies that you get rid of agitation. It is by attempting to maintain them in salient and sharp outlines that we give force to agitation. The right hon. Gentleman says that the plan of the Government rests upon an intelligible principle, and that if we go beyond it there will be no intelligible principle to guide us. His principle is that the plan of the Government meets existing wants and necessities. Is that altogether true? Is it true in any aspect of the case? I cannot admit with regard to the new boroughs that in all cases it is desirable so to economize the distribution of seats as to aggregate together a considerable number of new towns, or that you should bring together the population of various spots and make them into groups, and thus deal with the claims of large populations by giving them a few Members. I think we shall have to deal more liberally with these groups, and dissolve some of them that are now too large. Then, with regard to the doctrine that representation by one Member is the best. If it be the best, why not subdivide the counties? Why not put them off with one Member? I do not know what answer can be given to that question. I am not going to grudge the gift the right hon. Gentleman offers to the counties, and one of my reasons for agreeing to the proposal of my hon. Friend (Mr. Laing) is that it will enable the Government to give a larger representation to counties. I object to the doctrine of the right hon. Gentleman that when we are establishing new constituencies and new limitations for Parliamentary boroughs and districts, we shall do well to confine ourselves to giving one Member. I am not aware that experience has shown that representation by one Member—although it is better than

representation by none at all—is desirable. It is, at all events, not so superior that we are justified in supposing from past experience that the communities which are to have Members of Parliament will henceforward prefer representation by one Member to representation by two. Therefore, I am not prepared to admit that the claims of great communities now represented by one Member only are so satisfied by the plan of the right hon. Gentleman that we are able to take the ground he invites us to take, and to say that we are by so doing making reasonable provision for all existing wants, and that beyond this we are not prepared to go. The right hon. Gentleman talks of the new towns and the vast populations that are rapidly growing, and which are supposed to claim increased weight in the representation. I do not think that the proposal of the right hon. Gentleman contains such satisfactory provisions that we can take our stand upon the limited plan he offers us. But there is another and serious question which I hope will attract the attention of the Members for Scotland. I am not prepared to subscribe to the declaration of my hon. Friend (Mr. Laing). He says I give you this considerable number of Members for England, but I leave the wants of Scotland to be supplied by an additional number of Members of this House. I see considerable danger in connection with the benevolent proposal of the Government towards Scotland. We are now invited to reject the proposition of my hon. Friend (Mr. Laing). Suppose we do? We shall then have to deal with only a limited number of seats at our disposal, and none at all will go to Scotland. I should oppose the giving of any of this limited number of seats to Scotland. We have thus disposed of the case of England. It is quite clear that Ireland can afford no Members to meet the wants of Scotland. We then come to Scotland. She will have to meet the whole face of that adverse judgment which a very large proportion of this House have formed against the increase of Members of this House. I would earnestly invite the Scotch Members to bear in mind the assailable nature of the position in which they would stand if they have no other available fund out of which to answer the credit which the right hon. Gentleman proposes to us in favour of Scotland, except the speculation of an increase of the number of Members of this House. This brings me to a practical point. The right hon. Gentleman has no

title to say that he has adequately met the absolute necessities of this case until he has done one of two things. He should either propose an adequate representation, which would include a plan of re-distribution of seats, and give room enough for a fair supply of the wants of Scotland, or else manfully come down to this House and ask the House to agree to a Resolution that we ought to give Scotland more Members in consequence of her increased population and property. I will give no opinion on the subject. All I will say is that the promise of the Government in regard to Scotland is worth little in the market until it be supported by some scheme more solid than that she is to meet unaided the indisposition to increase the number of Members of this House. The great principle on which I venture to support the plan of my hon. Friend is that which was expressed by my right hon. Friend (Sir George Grey). That plan—I speak of the first portion of it, assuming that its subsequent development will be a development in the same free spirit, I by no means bind myself to the development as it has been described—the plan of my hon. Friend is, in the best sense of the term, a Conservative plan. It promises us a fair hope and chance of a settlement of this question. There is nothing in it adverse to the principles which should regulate the government of the party opposite, or which should regulate the conduct of this House. At this great crisis it is incomparably superior to your plan of re-distribution, which is in glaring contrast with your whole plan of the franchise. You have adopted that plan of the franchise. It has become irrevocable. It is idle, even if there were any lingering regrets in the mind, to think of recalling it. The best mode, therefore, of securing the well working of the system you have established, of laying the foundations of future tranquillity, and sparing yourselves the recurrence of this difficult and vexatious subject—necessarily impeding the prosecution of the general business of legislation—is to adopt that plan and that scale for the re-distribution of seats which though it will not extinguish will mitigate monopoly, give satisfaction to the public mind, and induce the nation to accept the plan as a portion of a solid structure intended to last for many years, and increase the capacity of Parliament to perform the business of the nation.

MR. BUTLER-JOHNSTONE said, he would urge the Government to render their scheme, as a whole, worthy of the be-

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ginning. He hoped the Chancellor of the Exchequer, merely on account of the difficulty of the question, would not look back having once put his hand to the plough. He trusted that he would proceed to the settlement of the entire question, a result which would not be achieved by the present scheme of the Government.

MR. HENRY SEYMOUR said, he would ask the House to do an act of justice by excluding from the operation of the Amendment moved by the hon. Member for Wick the borough (Poole) which he represented. Though at present within the limit of 10,000, it was a large and rapidly-increasing town. No anomaly could be greater than to leave to old and decaying boroughs their full complement of Members, while constituencies that were rapidly rising in importance were deprived of theirs. He proposed to substitute for "the Census of 1861," in the Amendment of the hon. Member for Wick, the following words:—"On the 1st of January, 1867, according to a Return to be furnished by the Poor Law Board."

Amendment proposed to the said proposed Amendment,

By leaving out the words "at the Census of one thousand eight hundred and sixty-one," in order to insert the words "on the first day of January, one thousand eight hundred and sixty-seven, according to a Return to be furnished by the Poor Law Board,"—(*Mr. Henry Seymour*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

SIR THOMAS BATESON said, that as the representative of a doomed borough, he wished to ask a question upon which his own vote and that of many hon. Members on the Ministerial side of the House would depend. If they supported the hon. Member for Wick in his first proposal, would he undertake not to press his grouping system, to which they objected *in toto*?

MR. LAING said, he had endeavoured to make it as clear as possible that he looked upon grouping as a mere accessory to his plan. The main point upon which the Committee would divide was, the proposal to raise the line from 7,000 to 10,000. He had stated clearly that he was willing, if the Motion were carried, to leave in the hands of the Government the disposal of the extra seats, and not press the question of grouping if he found them adverse to that proposal. As regarded the Amendment of his hon. Friend the Member for

Poole (Mr. Henry Seymour), he should be most happy if he could consistently make an exception in his favour. But the entire Committee would feel that in dealing with figures of this sort they could only take the figures which had always been taken, the official figures of the census.

MR. HENRY SEYMOUR said, that he had not moved the Amendment on behalf of his own borough merely. He would withdraw it.

Amendment to the proposed Amendment, by leave, *withdrawn*.

Original Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 306; Noes 179: Majority 127.

MR. GLADSTONE said, an allusion had been made by his hon. Friend the Member for the Wick Burghs (Mr. Laing) as to the possibility of the Government re-considering the question of the disposal of the seats thus acquired. He wished to ask the right hon. Gentleman as to the probable time when that question would arise. He thought it would be desirable to resume the discussion on the Bill as soon as the state of the business of the House would permit, and to take into consideration the Motion of his hon. and learned Friend the Member for Portsmouth (Mr. Serjeant Gaselee), or any other Motion which might be brought forward. When the Committee knew how many seats there were to be disposed of, they might perhaps ask the right hon. Gentleman whether he would undertake to prepare a scheme of distribution.

THE CHANCELLOR OF THE EXCHEQUER said, he would fix the Committee for Monday, and would so arrange matters that the time of the Committee would not be wasted.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—STAFF APPOINTMENTS.

MOTION FOR RETURNS.

SIR PATRICK O'BRIEN moved an Address for a Return of all appointments made on the Staff, including military appointments at the Horse Guards and War Office, from the year 1855 to 1867 inclusive, and other particulars. The grant of the Returns would go far to remove the jealousy felt as to appointments held for a longer period than five years, with reference to which a very natural feeling of umbrage existed in the breasts of many officers that through the non-observance of the regulations they should be excluded from employments which they deemed themselves, and were deemed by others, perfectly qualified to fill. He understood the Secretary of State for War objected to allowing the "special circumstances" for the re-appointments to appear in the Return, on the ground that it would be injurious to the public service. He confessed that he was unable to comprehend on what ground this objection was made.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Return of all appointments made on the Staff, including Military Appointments at Horse Guards and War Office, from the year 1855 to 1867, inclusive, and where such appointments have been held for a period longer than five years, or where on the termination of the term of one Staff Appointment or Military Appointment as aforesaid, the late holder has been within six months appointed to another Staff Appointment; stating the 'special circumstances' for such re-appointment, as mentioned in Article 106, Section 2, of the Royal Warrant of February 3rd 1866, according to the following tabular form:—

Name, Regiment, and Rank of Officer.	Name of present Staff or Military Appointment.	Date of present Appointment.	Date of former Appointment or Appointments, if any.	Special Circumstances for re-appointment over five years, or for appointment to a new Appointment.

—(Sir Patrick O'Brien,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN PAKINGTON said, the hon. Baronet had applied to him, in the first instance, to know whether the Return would be granted as an unopposed Motion. He replied that he was quite willing to grant the Return, with the exception of the last column, which was headed as follows:—"Special circumstances for re-appointment over five years, or for appointment to a new appointment." When a rule of this kind as to a statement of special circumstances was in existence it ought to be observed. Holding the position he did, he was responsible for its observance. For the most part the rule had been fairly observed. When the rule was first established exception was made with respect to officers then holding certain appointments, and in other cases there were circumstances which had induced some relaxation. But, on the whole, the rule had been very fairly observed. If the Return were given with the last column filled up, it would have an invidious aspect. He hoped the hon. Baronet would be content with the assurance he gave as responsible Minister of the Department that the rule should be observed unless there were special reasons to the contrary. He was prepared to grant the Return moved for, except the last column.

SIR PATRICK O'BRIEN said, that he would accept the Return in its restricted form.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

IRELAND—QUEEN'S UNIVERSITY. OBSERVATIONS.

MR. CHICHESTER FORTESCUE said, he rose to call the attention of the House to the present position of the Queen's University in Ireland. He desired to give no occasion for the revival of the somewhat warm discussions which took place on this subject last year. He should have occasion to say something as to the grounds on which the late Government proposed those changes in the Queen's University, of which the Charter of last year was a very imperfect portion. Beyond that he should confine himself to a narrative of what had since occurred with the view of eliciting from the present Government an explanation of their intentions as to the Queen's University, and as to the probable course of legislation to be adopted. It was now almost three

years since the hon. Member for Tralee (The O'Donoghue) moved an Address to Her Majesty representing the conscientious objections which prevented a large number of the people of Ireland from enjoying the advantages of University education, and praying that steps might be taken to remove the evil. That Motion was met by an admission of the grievance from the right hon. Member for Morpeth (then Home Secretary, Sir George Grey). The right hon. Gentleman added that he did not believe that Parliament would be prepared to multiply the number of Universities in Ireland. He stated that, in the opinion of the Government, the best course would be to alter the Charter of the Queen's University, to enlarge its powers, and remove the restrictions which prevented that University from granting degrees except to students proceeding from the three colleges attached to it. Upon that statement being made the hon. Member for Tralee withdrew his Motion, thereby laying the Government, and, to a very considerable extent, the House of Commons also under the obligation that that pledge should be carried into effect. Nevertheless, partly from unavoidable, and partly from avoidable causes, the pledge had not yet been fulfilled. It was true that a supplemental Charter was issued last year, enlarging the powers of the Queen's University. But legal proceedings had since been instituted which rendered that supplemental Charter of no effect for the present. Even if such proceedings had not been commenced, that Charter was avowedly and notoriously incomplete, it never having been intended that it should stand without the accompaniment of an Act of Parliament. Unless it should be completed by an Act of Parliament, it never would in any true sense carry out the intentions of the late Government. He would now say a few words as to the nature and the grounds of the changes which the late Government proposed to make in the system of University education in Ireland. The Governments of Lord Palmerston and Lord Russell were in succession convinced that though the Queen's Colleges were in their sphere excellent institutions and had obtained considerable success, they had yet failed to meet the educational requirements of the Irish people. This arose partly from their local character, which prevented them from extending their benefits far from their immediate neighbourhoods,

Sir Patrick O'Brien

Partly, and still more, because a large portion of the Roman Catholics in Ireland desired to send their sons for education to institutions such as the people of this country were familiar with—institutions where the teachers were of the same religious denomination as the students, and directly connected with some religious body. Attempts had been made to show by statistics that this assertion was without foundation, that all Roman Catholics in Ireland who desired to obtain University education already obtained it through the Queen's Colleges. Such a statement could not be sustained. Taking the College season of 1864-5, which was a period previous to any disturbing causes arising out of the discussions on the proposed changes, the whole number of students in attendance at lectures in the Queen's Colleges was 837. Out of these only 229 were Roman Catholics. In that season, 288 new students entered the three Queen's Colleges. Of that number seventy-three only were Roman Catholics. When the proportion which the Roman Catholics bore to the population of Ireland was considered, when it was recollected that the Queen's Colleges were in the main designed for the special benefit and relief of the Roman Catholic population of Ireland who had been excluded from the educational endowments, which in a natural and normal state of things would fall to the share of the great majority of the nation; and when it was borne in mind that, although the authors of the Queen's Colleges—the late Sir Robert Peel and Sir James Graham—fully expected that at least the Colleges of Cork and Galway would be substantially Roman Catholic Colleges, yet the Roman Catholic students were in a decided minority in those Colleges, while they were almost invisible in the College of Belfast, the House could not fail to come to the conclusion that the utterly subordinate position of the Roman Catholic students in the Colleges was not commensurate with the expectations of the founders, and not satisfactory to Parliament, which voted money for the colleges in the hope that they would be beneficial to the Irish people. Independently of statistics, it was impossible for the House to shut its eyes to the assurances received from every organ of Roman Catholic opinion, to the effect that while a certain number of Roman Catholics availed themselves of the benefit of the colleges, those colleges were far from meeting the require-

ments of the Roman Catholic population. A large portion of the Roman Catholic people of Ireland were not conscientiously able to avail themselves of the education afforded by the colleges. They were institutions not for mere boys, but for growing-up and grown-up young men. When there existed in this country a strong feeling in favour of education being given in institutions connected with the religious faith of the parents of the students, was it to be wondered at that in Ireland such a feeling should be far stronger? It had been said that there was a University in this country which would satisfy all the requirements of the case—namely, the London University. It was supposed by some that the facilities which were afforded by the London University to Irish students were very considerable. But that admirable institution could never take root to any great extent in the sister country. The Irish people were not acquainted with its governing body, and were not represented there. There was besides a kind of national feeling which operated in those matters, which to venture to ignore would be to fight against nature. Since the foundation of the London University in 1840 the number of degrees which it had conferred on candidates proceeding from Ireland did not amount to twenty. Of those by far the greater proportion had been conferred on students of Carlow College, which he had reason to believe would prefer being connected with an Irish University established in Dublin. Under those circumstances, the late Government had decided upon a plan which it seemed to them would meet the state of things he had just mentioned. They proposed to enlarge the powers of the Queen's University by throwing its degrees open, not only to colleges of a denominational character other than the Queen's Colleges, but—subject to such rules as the Senate might lay down—to all candidates who might comply with its requirements. They did not propose to interfere with the Queen's Colleges beyond putting an end to the monopoly of Queen's University degrees which they had hitherto enjoyed, and exposing them to the open air of competition. They further intended to ask the House to vote a sum for the establishment of University scholarships, in connection with the central University in Dublin, which should be open to all comers. It was their intention also to give increased dignity to the Queen's University by enabling it to return a Member to Par-

liament—a proposal which he had last year the honour to make. The late Government had in addition placed a Vote upon the Estimates, which he was glad to see in the Estimates for the current year, for the purpose of securing to that University a proper local habitation in Dublin. They desired, too, to increase the number of the Senate, and to provide, as far as possible, that it should be so composed as to secure the confidence of the whole Irish people, and of the Roman Catholic portion of the population in particular. The plan which he had thus briefly sketched had been carried out but imperfectly by the steps which the late Government had been enabled to take last year. A supplementary Charter had been granted giving all that they were informed by their Law Advisers they could give. The powers of the Senate were thereby enlarged, but what had been done fell very far short of that which the Government had it in their mind to accomplish. The Charter did not profess to make any alteration in the body corporate. Under it the new candidates were not put upon an equal footing with the students of the Queen's Colleges. It was the intention of the late Government that the Charter should be accompanied by a Bill. That Bill was ready, and would have been introduced had not the existence of the Government suddenly terminated—in fact, the separation of the Charter from the Bill had been only caused by the accidents of Parliamentary warfare. The number of the Senate was not increased, but the vacancies then existing were filled up by the appointment of four eminent Roman Catholics and of two Protestant noblemen. It was the original intention of the Government which founded the Queen's College that there should be, as stated by Sir James Graham, a fair proportion of Roman Catholic professors among the professorial body. It was true that difficulties were said to have arisen in finding competent Roman Catholic gentlemen to fill those posts. Knowing the great educational difficulties under which members of that persuasion long laboured, he could well understand that such was the case. His conviction was, however, that those difficulties might be overcome, as they certainly must be if the Queen's Colleges were to maintain their usefulness. If an united system of education were to be established in Ireland, it must be taken with its necessary conditions and limitations. The system of union and partici-

pation must exist in the teaching body as well as among the students, not only for the sake of giving their due professional prizes to Roman Catholic gentlemen of learning, but of creating that confidence and proper self-respect which ought not to be denied to the Roman Catholic students of those Colleges. From an accurate pamphlet which had been written by a member of the Queen's University (Sir Dominic Corrigan), he found that last year or the year before there were some sixty professors in the Queen's Colleges. Out of those there were only seven Roman Catholics—a proportion which could be hardly just to the Roman Catholic body. The College of Belfast, which was a very eminent and, in its way, a successful institution, could scarcely, with justice, be called non-sectarian. Last year, out of 405 students in attendance at that College, there were only twenty-two Roman Catholics. Out of 135 new entrances of students the proportion of Roman Catholics was but six. In the whole teaching and governing staff there was not a member of that persuasion. With respect to the composition of the teaching body and the body of students, there was no doubt that the institution was as much a Denominational body as the Colleges of Oxford or Cambridge. That might explain to the House why the College of Belfast was so excessively popular with the Protestants of Ulster, and why it was so unpopular, judging from their attendance, with the Roman Catholics. He would turn to the history of the Queen's University since the late Government left office. On the 6th of last October the Senate of the Queen's University met, and by a majority of 11 to 9 accepted the supplemental Charter. Soon after that a remarkable event occurred. The Convocation of the Queen's University was for the first time assembled under the special mandate of the Lord Lieutenant of Ireland. The Lord Lieutenant, if he remembered rightly, expressed a hope that the Government would be enlightened by the discussions of that body. He knew not whether that expectation had been fully realized. At all events, the Convocation met. It was a somewhat noisy and tumultuous assemblage of high-spirited young men, most of them young Bachelors of Arts, who gave a rather rough reception to their respected Vice Chancellor. They, no doubt, by an overwhelming majority passed a resolution to the effect that the acceptance of the supplemental Charter was impolitic, al-

though a protest was sent in to the Government against the conduct of the majority. He need hardly say that in his opinion that was not a question to be decided by a body of young men one way or the other. The institution with which they were dealing was the creature of Parliament. It was maintained solely and absolutely by Parliament. It was for the Government and Parliament to decide how far the claims of a great portion of the Irish people were to be considered, and in what way the funds voted by Parliament could be best applied to the purpose for which they were intended. There was one circumstance at the meeting of the Convocation which he wished to mention. Sir Robert Kane, the President of the Queen's College at Cork, an eminent and respected Roman Catholic gentleman, was put forward to move the Resolution already referred to, condemning the supplemental Charter. But he declared his desire to see the Catholic University admitted to the Queen's University as a College upon entirely an equal footing with the Queen's Colleges. He opposed the supplemental Charter on this ground, among others, that it would introduce into the Queen's University the system of the University of London, which admitted a non-collegiate education, and gave the full benefit of University degrees to students not proceeding to a College. This he thought an injurious system. Since then Sir Robert had been fully answered by Dr. Carpenter, the Registrar of the University of London, and lately also by Lord Granville, its Chancellor. He would leave him to their tender mercies. He would only say that if the system which gave University degrees to students coming from all quarters was necessary in England, it was still more so in Ireland, where there were many families who could not afford the expense of sending their sons to reside at a distance or in college towns. After that meeting, the Senate proceeded diligently and cautiously to give effect to the supplemental Charter. They appointed a Committee, who considered and adopted the new rules that were requisite for carrying out their enlarged powers—rules that met with very general approval in Ireland. In pursuance of them they gave notice that the first examination for candidates under the new Charter would take place in January last. The opponents of the supplemental Charter made an application to the Master of the Rolls in the course of

the autumn for an injunction to restrain the Senate in its proceedings. A provisional or *ad interim* injunction was, with great hesitation, granted by the Master of the Rolls. Of course, it stopped all the Senate's proceedings for the time. The case was argued, on the part of the Senate, just before the meeting of Parliament. The Master of the Rolls, changing the opinion he had first formed when he granted the *ad interim* injunction, gave judgment on the 16th of April in favour of the Senate, dismissing the petition of the graduates with costs, on the ground that they had no *locus standi*, and that their interests were not injured by anything that had been done. The Master of the Rolls, however, gave expression, though with the greatest hesitation and doubt, to the extra-judicial opinion that the Senate of the Queen's University was not legally entitled to accept the supplemental Charter. Acting, he presumed, on that weighty though extra-judicial opinion, other parties had since then instituted fresh proceedings upon an information grounded on the fiat of the Attorney General. He asked the Government what they intended to do under the circumstances he had sketched. Did they intend that the Queen's University in Ireland should remain indefinitely in its present position? There were many persons who had been waiting a long time in the hope of obtaining degrees, who were grieved and disappointed at the delay to which they were subjected. Were the Senate to go on indefinitely defending suits at their own private risk, or were the expenses to be provided by Parliament? It was the duty of the Government to interpose and to anticipate the possible results of litigation, either by sanctioning and completing by further legislation the plans of the late Government, or by providing something wiser and better. He could imagine a plan more acceptable to the country. He could imagine the throwing open of the University of Dublin to the people of Ireland. He spoke of the University of Dublin as distinct from Trinity College. That would be better than the plan of the late Government. Such a scheme had been hinted at by the Chancellor of the Exchequer. The principle was gaining ground that a University should be a national institution; that, as it derived its powers of granting degrees from the State, it should be required to confer them freely and equally. In this country we had seen Universities limited

and warped by denominationalism and religious tests. In Ireland, on the contrary, this Queen's University had been warped and limited by the necessity of refusing its degrees to any denominational college, and of confining them to the three colleges founded on the non-sectarian system. One system appeared to him as partial as the other. However acceptable the system of united education might be to many in this country, and even to a considerable number in Ireland, was it wise to attempt to force it on the Irish people by the refusal to any other system of the benefit of University degrees, which the State alone could sanction and confer? Was there common sense in refusing the services and support of eminent Roman Catholics in Ireland, who were willing to take part in a united university because they were not willing to connect themselves with united colleges? Was there any legal or academical obstacle at Oxford to the foundation of Nonconformist or Roman Catholic Colleges? It was the aim of University reformers here to give liberty in these matters, and not to impose either a denominational or an undenominational system. This was what they wished to see in Ireland. They wished that students from any college, Roman Catholic and Presbyterian included, might obtain degrees at the Queen's University. He did not mean to say that he believed the scheme of the late Government could be a final settlement of the matter; that there could not be without a fresh allocation of ecclesiastical endowments, and a general settlement of the ecclesiastical question. But it was right as far as it went. The present Government were not responsible for it. They found it launched, but incomplete, and absolutely requiring interference and legislation. He appealed to the Government not to treat this as a party question. He called upon them to state what their intentions were. They would be justly blameable if they any longer disappointed the expectations of great numbers of persons in Ireland by allowing the University to remain subject to all the delays and hazards of litigation.

LORD NAAS said, he had listened with great interest to the speech of his right hon. Friend, but found it difficult to discover what were his precise opinions upon University education in Ireland. He said that the Queen's Colleges were to a certain extent a failure, as they had not succeeded in gathering to themselves the

sympathy and support of a great portion of the Irish people. No doubt this was so. It was to be regretted that institutions maintained at such expense, and in the success of which such interest was felt in this country, had not succeeded. But it was extraordinary that the right hon. Gentleman and others who were always attempting to establish a system of University education in England as nearly analogous to that of the Queen's Colleges as possible should turn round and say that a system which they thought a right one for England was wholly unsuited to Ireland. As University reformers the right hon. Gentleman and those who agreed with him tried to throw open the governing bodies of all educational institutions in this country to persons of all denominations. This principle, carried to its legitimate conclusion, would result in the establishment here of precisely the same system as existed in the Queen's University and Queen's Colleges in Ireland. Denominational education was altogether excluded there. The professors and students were entitled to the benefits which education and a degree gave, independently of religious belief. In practice there might be some difference, in principle there was none, between this system and that so often advocated by hon. Gentlemen opposite. He did not express any opinion whether the system was right or wrong. The mixed system was found in full operation in the Queen's Colleges. If any alteration were made in it they would revert to the modified denomination that exists in Trinity College, at Oxford, and Cambridge. When, therefore, hon. Gentlemen opposite wished to change the system of the Queen's University, they assumed a most inconsistent and illogical position. Whether it eventually succeeded or not, he believed that a purely secular University education did not at present recommend itself to the feelings of any great class in either country. The feeling was strong that parents would rather send their sons to a college conducted by professors of their own faith than to one where the greater part of the education might be conducted by members of a different creed. This feeling was at the root of the difficulties experienced by the Queen's Colleges. He would now call attention to what had taken place respecting the Queen's University. The Charter of 1850 limited the governing body to the Senate. In 1864 that Charter

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was considerably enlarged, and a draft was remitted to the Senate, which discussed and altered it. Under that Charter for the first time a mode was granted for the constitution of Convocation. Two powers were conferred upon that body. The power of electing members to the Senate, and the power of meeting in order to discuss all matters affecting the interest of the University. The power of discussion was postponed until the Queen's Letter should issue directly authorizing it. When the Charter passed the University was, to a certain extent, in an infant state. Meetings for discussion were then unnecessary. The first occasion for the exercise by Convocation of the power of election of a member of the Senate arose on Lord Monteagle's death, in 1866. The graduates then signified their wish to elect a member to the governing body. At the same time, there were rumours that considerable alterations were intended by Government in the constitution of the University. Early in 1866 the graduates expressed a desire to discuss those proposed changes. In February, 1866, a certain number of them petitioned the Senate to summon Convocation for the purpose of electing a member to fill the vacancy. No answer was returned. A similar application was made in April, but no meeting of the Senate was convened. In the meantime the attention of Parliament had been directed to this question. Without going into the details of what took place here, the impression was certainly left upon the minds of many hon. Members that no fundamental change would be proposed in the constitution of the Queen's University until Parliament had an opportunity of expressing its opinion on the subject. [MR. LOWE: No change at all.] It was gathered from the remarks made on the part of the Government that whether these changes were to be effected by a Bill, by supplementary Charter, or by an Estimate, Government was not to act until the opinion of Parliament had been taken. What happened? A division which led to the resignation of the Government took place on the 18th of June. Their resignation was announced by the Chancellor of the Exchequer on the 26th of June. On the 25th the supplemental Charter passed the Great Seal. On the 27th of June, the day after the resignation of the Ministry was announced to this House, a Royal Warrant was issued appointing six new members to the Senate.

He had not a single word to say against the character or fitness of the gentlemen so appointed. But he must point out that they all belonged to the one political party, and though a large majority of the educated classes in Ireland belong to the party opposed to the late Government, not a single Conservative was nominated. The Senate immediately assumed a partisan complexion which he thought it unfortunate that any such body should assume. The Vice Chancellor summoned the Senate for the 6th of July, and a meeting was held. But the discussion of the supplementary Charter was postponed until later in the year. That meeting was attended by his right hon. Friend (Sir Robert Peel); by his advice the discussion on that question was postponed. Either in the August or September following the present Government received an application from Members of Convocation asking them to grant a Queen's Letter, according to the terms of the Charter of 1864, in order to enable them to discuss the supplementary Charter. A warrant to that effect was signed by the Government on the 25th of September, without the slightest hesitation. The demand was reasonable and in accordance with the terms of the Charter, nor did he believe that any Government could refuse to give the power asked for. Convocation was to meet on the 12th of October. It was a remarkable fact that on the 6th of the same month a meeting of the Senate was called to discuss and decide upon the acceptance of the supplementary Charter. The circumstance was remarkable, because it was well known that Convocation was to meet on the 12th for the purpose of discussing and expressing an opinion upon that very subject. The Senate met on the 6th, and after a private debate, of which the public knew nothing, decided by a majority of 2 in favour of the acceptance of the new Charter, the numbers being 11 to 9. It was remarkable that every one of the new members of the Senate did what was expected of them and voted for the acceptance of the Charter. At that meeting two Amendments were moved. They appeared so reasonable and fair that he could not understand the grounds on which they were rejected, and he thought a great deal of the difficulty and ill-feeling which had since arisen would have been avoided had the Senate adopted either of those Resolutions. The first Amendment was as follows:—

“That as serious doubts exist as to the competence of the Senate to accept the Charter of

the 25th of June last, and as many Members of the Senate are of opinion that its provisions are inexpedient, the Senate declines to entertain the question of its acceptance until and unless Parliament shall have legislated on this subject."

That was the Resolution designed to give effect to what the House of Commons expected and intended—namely, that no steps should be taken in the matter until Parliament had had an opportunity of coming to a decision upon it. That Amendment was rejected. The second Amendment was as follows :—

"That the discussion be postponed till Convocation shall have had an opportunity of electing a representative in the Senate and of declaring its opinion on the Charter."

Though Convocation was to meet in the following week, that Amendment was rejected. On the 12th of October the meeting took place in St. Patrick's Hall. Large numbers of graduates were present. He was somewhat surprised to hear the disparaging way in which so distinguished a Member of the Liberal party as his right hon. Friend spoke of the public discussion which then took place. [Mr. CHICHESTER FORTESCUE made a remark which did not reach the gallery.] He had no doubt that the meeting was noisy, but many public meetings were noisy. However that might be, able speeches were made on one side and the other. His right hon. Friend seemed to dread public debate on the question, and insinuated that such discussions were not for the benefit of the University, and that they were much better suited for the Senate. In his opinion public discussion on such questions was most useful and tended to elicit truth. After a long debate Convocation came to this Resolution—

"That in the opinion of Convocation the acceptance of the supplementary Charter is inexpedient."

That Resolution had no effect on the Senate—it was treated with superb contempt. Regulations which were calculated to carry into effect the objects of the supplementary Charter were drawn up and published in the month of November. The object of the regulations was to provide for the examination of students under the new rules in the following January. On the 3rd of December those proceedings were put a stop to by an injunction of the Master of the Rolls. The two points involved in the case submitted to the Master of the Rolls were, first, as to the power of the Crown to grant a supplementary Charter, and secondly, whether that Supplementary

Charter was valid without the sanction of Parliament. After long and able arguments adduced on both sides, on the 16th of April the Master of the Rolls pronounced his decision, dismissing the case, on the grounds that the promoters had no *locus standi*, and that the suit had not been instituted in the names of the proper parties. The Master of the Rolls, however, delivered a remarkable opinion, which, though it was extra-judicial, perfectly justified those interested in the case in carrying it further. The Master of the Rolls said—

"As I have come to the conclusion that the petitioners cannot sustain the present petition, it becomes unnecessary to decide the question whether the power of accepting or rejecting the Charter is vested in the Senate or in the corporation at large of the University; but, after the very elaborate discussion which this question has undergone, I cannot say that I have not formed an opinion upon it. It is certainly not free from difficulty, but my present impression is in favour of the view pressed by the petitioners, that the Charter of 1864 does not vest the power of accepting or rejecting the new Charter in the Senate exclusively."

He had now brought the course of the proceedings down almost to the present day. There was every reason to hope that at no distant period this question would be submitted in proper form to a Court of Law, and he trusted a decision might be pronounced upon it with all convenient speed. The Government had from the beginning taken no part in the question beyond that purely Ministerial duty which their office imposed upon them. The Attorney General had given his consent to the suit, and he was informed on the highest legal authority that in doing so he was only discharging a duty which it was absolutely necessary for him to perform. The Government could not have refused to sanction the meeting of Convocation without a great dereliction of duty. Their sole object had been to allow this important question to be decided in the only satisfactory way—namely, by a Court of Law. They would feel it their duty not to take any action until the decision of a legal tribunal had been finally pronounced. The course taken by the former Government was attended with unfortunate results. The present Government believed they would have acted contrary to their duty had they taken any step without having submitted the subject to the consideration of Parliament. [Mr. CHICHESTER FORTESCUE: Hear, hear!] Did the right hon. Gentleman think the Government ought to have introduced a measure for confirming the sup-

plemental Charter? If not, what could have been the object of a Bill? [Mr. CHICHESTER FORTESCUE: The whole policy of University education.] The whole policy of University education. Had they proposed an entire scheme, it might or might not have been in opposition to the supplemental Charter and the system proposed by the right hon. Gentleman opposite. Action was impossible while the case was *sub judice*. Suppose the Courts of Law should decide in favour of the validity of the Charter, it would place any new scheme which might be in opposition to it in an awkward position. He did not believe any Government ought to have incurred such a responsibility. In waiting till the question had been decided by the proper tribunal they had studied the best interests of University education in Ireland, and had acted in accordance with the expressed wishes of the majority of this House. Whenever the time came they would not shrink from expressing frankly upon the subject the views which they entertained, for it was one which could not be allowed to rest. It would be the duty of the Government and of the House to endeavour to make University education in Ireland more acceptable to the great mass of the Irish people. He did not think he was bound to go further upon the present occasion, and he would rejoice if that object could be effected without weakening the system pursued in the Queen's Colleges, which had so often received the support of the House, and, particularly in the North, conferred great benefits on Ireland. However it could be done, we must recollect that Universities, colleges, and schools were only means to attain a great end—namely, that of imparting education to the people, and he did not think that any strict adherence to previous measures ought to deter Government and Parliament from endeavouring to adopt that system of education which would most largely promote the diffusion of knowledge among the people of Ireland.

MR. O'REILLY said, however eloquently the undenominational system of education might be advocated in or out of that House, it was quite clear that the great mass of the Roman Catholics in Ireland would not adopt it. They had been waiting patiently for a measure of justice from the Government, both in respect to primary and University education, and they wished to know the intentions of the Government upon those points. He had listened atten-

tively to the speech of the noble Lord, and he felt utterly disappointed in not being able to ascertain the precise opinion of the Government. He was ready to receive a measure of justice from whatever side of the House it might come. He had entertained hopes of a measure of justice from those hon. and right hon. Gentlemen who now sit on his side of the House. But he was doomed to disappointment. With regard to primary education, no doubt certain concessions of considerable value had been inaugurated by the right hon. Gentleman the Member for Louth (Mr. Chichester Fortescue). The right hon. Gentleman the Member for Morpeth (Sir George Grey) had promised a measure to enable Roman Catholics to obtain degrees in the Dublin University. But the plan developed by the late Government they were unable to carry out. With respect to University education, he found that owing to a technical legal difficulty, to which the Roman Catholics had nothing to say, they were practically debarred from all degrees conferred by the University of Ireland, unless they chose to be educated in the Queen's Colleges. To his knowledge there were fifty young men prepared to stand the examination in order to get a degree last January. They were now put off. He remembered when the noble Lord (Lord Naas) was in Opposition, he was arraigning the then Government for their faults. When the right hon. Gentleman who then held the office of Home Secretary declared that the system of education in the Queen's Colleges was to be altered, the noble Lord said that any such proposal would have his opposition. It was with grave regret he had come to the conclusion which most unwillingly a large body of his Roman Catholic fellow-countrymen would come to, that Her Majesty's Government did not mean to meet their just claims on the subject of education in Ireland. He had hoped to have received justice from hon. Gentlemen opposite; but having waited for a long time for some declaration that it was intended to make education in Ireland more acceptable to the people, he had been greatly disappointed, and so would the great mass of his fellow-countrymen. When they asked for redress they were told that they must wait the result of the Chancery suit. He asked the Government whether they intended to re-model the Queen's Colleges, or the system of education in the Dublin University so as to extend its advantages to the whole country. It seemed likely that the Government

the 25th of June last, and as many Members of the Senate are of opinion that its provisions are inexpedient, the Senate declines to entertain the question of its acceptance until and unless Parliament shall have legislated on this subject."

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"As I have come to the conclusion that the petitioners cannot sustain the present petition, it becomes unnecessary to decide the question whether the power of accepting or rejecting the Charter is vested in the Senate or in the corporation at large of the University; but, after the very elaborate discussion which this question has undergone, I cannot say that I have not formed an opinion upon it. It is certainly not free from difficulty, but my present impression is in favour of the view pressed by the petitioners, that the Charter of 1864 does not vest the power of accepting or rejecting the new Charter in the Senate exclusively."

He had now brought the course of the proceedings down almost to the present day. There was every reason to hope that at no distant period this question would be submitted in proper form to a Court of Law, and he trusted a decision might be pronounced upon it with all convenient speed. The Government had from the beginning taken no part in the question beyond that purely Ministerial duty which their office imposed upon them. The Attorney General had given his consent to the suit, and he was informed on the highest legal authority that in doing so he was only discharging a duty which it was absolutely necessary for him to perform. The Government could not have refused to sanction the meeting of Convocation without a great dereliction of duty. Their sole object had been to allow this important question to be decided in the only satisfactory way—namely, by a Court of Law. They would feel it their duty not to take any action until the decision of a legal tribunal had been finally pronounced. The course taken by the former Government was attended with unfortunate results. The present Government believed they would have acted contrary to their duty had they taken any step without having submitted the subject to the consideration of Parliament. [Mr. CHICHESTER FORTESCUE: Hear, hear!] Did the right hon. Gentleman think the Government ought to have introduced a measure for confirming the sup-

plemental Charter? If not, what could have been the object of a Bill? [Mr. CHICHESTER FORTESCUE: The whole policy of University education.] The whole policy of University education. Had they proposed an entire scheme, it might or might not have been in opposition to the supplemental Charter and the system proposed by the right hon. Gentleman opposite. Action was impossible while the case was *sub judice*. Suppose the Courts of Law should decide in favour of the validity of the Charter, it would place any new scheme which might be in opposition to it in an awkward position. He did not believe any Government ought to have incurred such a responsibility. In waiting till the question had been decided by the proper tribunal they had studied the best interests of University education in Ireland, and had acted in accordance with the expressed wishes of the majority of this House. Whenever the time came they would not shrink from expressing frankly upon the subject the views which they entertained, for it was one which could not be allowed to rest. It would be the duty of the Government and of the House to endeavour to make University education in Ireland more acceptable to the great mass of the Irish people. He did not think he was bound to go further upon the present occasion, and he would rejoice if that object could be effected without weakening the system pursued in the Queen's Colleges, which had so often received the support of the House, and, particularly in the North, conferred great benefits on Ireland. However it could be done, we must recollect that Universities, colleges, and schools were only means to attain a great end—namely, that of imparting education to the people, and he did not think that any strict adherence to previous measures ought to deter Government and Parliament from endeavouring to adopt that system of education which would most largely promote the diffusion of knowledge among the people of Ireland.

MR. O'REILLY said, however eloquently the undenominational system of education might be advocated in or out of that House, it was quite clear that the great mass of the Roman Catholics in Ireland would not adopt it. They had been waiting patiently for a measure of justice from the Government, both in respect to primary and University education, and they wished to know the intentions of the Government upon those points. He had listened atten-

tively to the speech of the noble Lord, and he felt utterly disappointed in not being able to ascertain the precise opinion of the Government. He was ready to receive a measure of justice from whatever side of the House it might come. He had entertained hopes of a measure of justice from those hon. and right hon. Gentlemen who now sit on his side of the House. But he was doomed to disappointment. With regard to primary education, no doubt certain concessions of considerable value had been inaugurated by the right hon. Gentleman the Member for Louth (Mr. Chichester Fortescue). The right hon. Gentleman the Member for Morpeth (Sir George Grey) had promised a measure to enable Roman Catholics to obtain degrees in the Dublin University. But the plan developed by the late Government they were unable to carry out. With respect to University education, he found that owing to a technical legal difficulty, to which the Roman Catholics had nothing to say, they were practically debarred from all degrees conferred by the University of Ireland, unless they chose to be educated in the Queen's Colleges. To his knowledge there were fifty young men prepared to stand the examination in order to get a degree last January. They were now put off. He remembered when the noble Lord (Lord Naas) was in Opposition, he was arraigning the then Government for their faults. When the right hon. Gentleman who then held the office of Home Secretary declared that the system of education in the Queen's Colleges was to be altered, the noble Lord said that any such proposal would have his opposition. It was with grave regret he had come to the conclusion which most unwillingly a large body of his Roman Catholic fellow-countrymen would come to, that Her Majesty's Government did not mean to meet their just claims on the subject of education in Ireland. He had hoped to have received justice from hon. Gentlemen opposite; but having waited for a long time for some declaration that it was intended to make education in Ireland more acceptable to the people, he had been greatly disappointed, and so would the great mass of his fellow-countrymen. When they asked for redress they were told that they must wait the result of the Chancery suit. He asked the Government whether they intended to re-model the Queen's Colleges, or the system of education in the Dublin University so as to extend its advantages to the whole country. It seemed likely that the Government

would force the Irish people to retrograde from the position they had already won.

THE O'DONOGHUE said, that having called attention to the state of University education in Ireland in 1865, he wished to offer a few observations on the present occasion. Upon many points he agreed with the noble Lord the Secretary for Ireland. There was much uncertainty as to what would be the ultimate fate of the supplemental Charter of last year, and there was some ground for dispute as to what was the precise cause which brought it into operation. Upon two subjects they were all agreed—first, that the supplementary Charter was intended to settle the question of University education in Ireland; next, that it had failed to do so. It was undoubtedly well meant, and was brought forward in a spirit of great liberality, but it had satisfied few persons. The Presbyterians of Ireland had rejected it; the Established Church were inclined to take the same view. The Roman Catholics, but for whom it would not have had any existence, only availed themselves of its provisions as a temporary arrangement. It failed to confer on them those rights to which they were entitled, and which they hoped to acquire. The aim of English modern education had been directed to the object of enabling the members of different religious denominations to meet and derive secular instruction from the same common source. This might do very well for those who liked it; but it did not follow that everybody did like it, and it was not consistent with a true spirit of liberality to enforce its acceptance on those who did not approve of it. To ensure its successful working, there should be complete harmony between the members of different religious denominations with respect to all matters connected with its administration. Where secular sectarian animosities prevailed, such a system could not prosper, and it only intensified and perpetuated the evils it was designed to cure. The Protestants had in many places withdrawn from the National schools. The Roman Catholics of Ulster objected to these schools because they said the rule of separate instruction was violated. The Queen's Colleges had been condemned by the Roman Catholic Church for reasons which he, as a Roman Catholic, fully recognised. The wrangling about education in Ireland, during the last few years, and the bitterness it had engendered, ought to have satisfied Parliament that the mixed system

was not suited to Ireland. The denominational system ought to have a fair trial. So far as primary education was concerned, the Roman Catholics had suited themselves in three out of four of the provinces. Public opinion in Ireland was against the mixed system. Every Roman Catholic gentleman sent his sons to a Roman Catholic school, and every Protestant did the same. The number of Roman Catholic youths, however, who had received a University education was very limited, owing to the fact that there was no University corresponding in its religious character to the intermediate schools. The youth who ran up to London from Durham or Somersetshire and took his degree at the London University could not be said to have received a University education in the ordinary sense. If the supplemental Charter became law an Irish lad might cram in the provinces and run up to Dublin and snatch a degree from the Queen's University, but no one would regard him as having received a University education. In 1865 he asked the Government to confer a Charter and a legal existence upon a Roman Catholic University. This he recommended, believing it would be doing justice in the case. It was the only way to secure a thorough settlement of the question, approved by an overwhelming majority of the Roman Catholics of Ireland. In election addresses he had noticed that promises to work for a Charter for a Roman Catholic University were very prominent. He had seen such promises in the addresses of hon. Members for the counties of Cork, Tipperary, and Kilkenny. He had never asked any Government to endow a Roman Catholic University as well as give it a Charter, because he believed that, as in former times, Oxford and Cambridge had been endowed, so would any Roman Catholic University in Ireland be endowed if the Government would but bestow upon it the dignity and position which a Charter would confer. The number of Roman Catholics who received University education, as compared with the number of Protestants, was small—conscience barred the way. Trinity College was exclusively Protestant; ascendancy in Church and State was its motto; it sent representative after representative to the House of Commons, pledged to be the spokesman of ascendancy so long as a shred of that wretched flag held together. He believed it would continue to do so. Colleges in which all sects met would be the scene of

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continual and violent strife, sustained by rival sympathies from without, until one of the contending parties would be obliged to give up the contention in despair. On what grounds, but because the applicants were Roman Catholics, could a Charter for a University be refused them? Without a Charter they could never hope for equality in education; equality was denied them in Trinity and the Queen's Colleges, and it was equality only that they asked for. He did not desire anything exclusively for Roman Catholics; they wished only to share the benefit which their fellow-countrymen of another sect enjoyed. It was intolerable that Government should refuse a Charter to a University to which Catholic parents could freely send their sons. He was still not without hope that Her Majesty's Government might settle this question to the satisfaction of the majority of the people of Ireland. In 1865 the question received considerable support from the right hon. Member for Oxfordshire (Mr. Henley). The question waited for a settlement satisfactory to the great majority of the people of Ireland. The Chancellor of the Exchequer had expressed to him, as a member of a deputation, sentiments not unfavourable to the object advocated. He trusted that before the debate closed he should hear from the right hon. Gentleman an expression that the Government would speedily do something in the important matter of Irish education.

MR. ACLAND said, that he had some years since stated that no plan of University education for Ireland would succeed which had not the support of the Roman Catholic Bishops. Everything that had occurred since had confirmed him in that opinion. The question was most important, as involving the whole relations between art education, instruction in science, and professional training. In medical education the English schools were in a state of chaos, which the heads were endeavouring to remedy with the aid of gentlemen from Ireland. Irishmen were much in advance of them in that respect. Hon. Members opposite ought to be told that this was a question which ought not to be left in abeyance, and that no Ministerial difficulties or legal obstacles ought to stand in the way of this question. It was for the interest of the Empire that Irishmen should have access without religious distinction to academical degrees. If the Government had nothing to offer but legal obstacles and could only tell them to go to the London University, that was no

answer to the claim. He did not know why they should be told to go there. They would have to pay far higher fees than they did at the Queen's University in Ireland, and were debarred from its honours. Nor was it any satisfaction to them to be told that there might possibly some day be Roman Catholic Universities in Ireland. That would be a great evil. The results had been very unsatisfactory in other parts of the United Kingdom by leading to a sort of under-bidding for academical education, which would be injurious. What Roman Catholics required was access to academical degrees without religious distinction, not through colleges which gave them what they deemed a "godless education." When Sir Robert Peel introduced his scheme to the House they were in a different position to what they were at present. The year before Sir Robert Peel established the Queen's University, Sir James Graham had made a remarkable attempt to establish a system of factory education in this country upon Church of England principles. The whole body of Dissenters rose at once and said they would have none of it. Sir Robert Peel was therefore not prepared to establish Roman Catholic education in Ireland. Assisted by the great bulk of those who sat behind him, he founded the Queen's Colleges, but the state of things at present was entirely altered. They had now recognised in England, Roman Catholic, Wesleyan, Presbyterian, Episcopal Church of Scotland, and various other forms of education. They were no longer in a position to tell the Roman Catholics of Ireland that they should have either secular education or none at all. He understood more clearly than he ever did before the feelings of injustice his right hon. Friend (Mr. Chichester Fortescue) below him had so eloquently expressed, and the irritation with which fathers of families reflected upon the fact that their sons could not obtain a degree except under conditions repugnant to their consciences. The Government were bound to walk very warily in this matter. If they did not there would be such a claim for secular education in England that the Church of England would have great difficulty in holding her own. Irishmen were entitled to call upon the Government to grapple with this question. They wanted a National standard for professional attainments. They were able to meet Englishmen in the medical and legal professions, and were competent to rise to any

standard which might be set up. They wanted a great University for Ireland upon National principles. As a Member of the Liberal party, he was aware that there were different opinions and schools of thought in that party. He wished to vindicate for English and Irish Liberals their rights; especially to guard against their being dragged into assenting to principles which some Liberals were apt to maintain, and which were both intolerant and tyrannical. They would not be forced to desert those who vindicated Church of England principles or the religious principles of any who entertained sincere convictions, or to assert the impossibility of holding those principles in thorough concurrence with Liberal feelings upon State matters. He thanked the House for the opportunity afforded to him of expressing his views upon this important subject.

MR. LOWE: Whatever right, Sir, the hon. Gentleman who has just sat down may have to speak for the Liberal party on other questions, I most emphatically deny his right to address the House as their representative on this subject. After the turn this debate has taken it is quite time that some one should vindicate what used to be the Liberal idea of comprehensive and tolerant education. I should not have said a word on the subject had anyone risen with that view. But I have heard this evening one Gentleman after another expressing what I can regard as nothing less than the principles of intolerance against those of toleration of re-action against progress. No Minister of the Crown ever undertook or executed a nobler work than Sir Robert Peel when he, in the last year of his Administration, founded the Queen's Colleges. Those Colleges were something more than mere educational establishments. They had a political significance. The great and wise man who founded them meant them to be schools in which the Irish should not only acquire secular learning, but where they should also learn—a lesson, I am grieved to say, in which they have made but small progress—that persons of different religious persuasions might be brought up to live together in unity and peace. No one reading the debates of that time can fail to perceive that that was as much in the mind of Sir Robert Peel as anything else. But what has been the treatment that these Colleges have received to-night? The noble Lord the present Secretary for Ireland says that they have failed, and that failure he attributes to the united and

secular character of their education. That is the language which the Secretary for Ireland holds in this House to-night. And what is the evidence of their failure? When those Colleges first came into existence they were placed under the ban of the Roman Catholic Church. A synod of the clergy was held to put them down. In pursuance of that synod and a papal rescript a University was established, founded by Roman Catholics in this country under the auspices of the Pope. The two houses were started fairly to run against each other. What has been the result? I have made it my duty to inquire into the proceedings of the Roman Catholic University. They are very difficult to get at. It is not easy to find out what are the studies, who are the tutors, or who are the professors. I have, however, learnt quite enough to show me that it has been a conspicuous failure. Those who know most about it may deny it if they can. But what has been the fate of those Colleges? Denounced by the Roman Catholic Church with all its terrors and all its thunders, opposed in every manner possible, denounced, too, by many well-meaning persons in this country as godless Colleges, they have gradually and steadily increased, and before the mischievous interference of the late Government they were attended by 837 students. When you remember that they possess hardly any endowments, and that Oxford, with all its endowments, has only about 1,200 students; when, too, you remember the obstacles they have had to encounter, I am perfectly warranted in saying that they have proved successful. It was a success—a success, at least, in comparison with what had been accomplished by that University—in which a foreign Power had assumed authority to confer degrees and honours, the right to give which rested alone with the Sovereign of these realms. That is how matters stood just before the election of 1865. I do not know what are the numbers now, but I am aware that they have diminished, and that through the mischievous interference of the late Government. The tale has been told by the late Secretary for Ireland (Mr. Chichester Fortescue), but it has been so disfigured and so treated that I am sure House would not recognise the real truth. Let me tell the tale in a few words. In June, 1865, just before the election, the hon. Member for Tralee (The O'Donoghue) asked the Government whether they would grant a Charter to the Roman Catholic

University. The Government refused, but offered to give the Queen's University power to confer degrees upon persons who had not been educated in the Queen's College. When the House met after the election, many Members were anxious to be informed what was to be done in pursuance of that promise. They received the most satisfactory assurance that no measures would be adopted without the fullest information being communicated to the House. I will not go over the story again. Is it not written in the pages of *Hansard*? Were we not informed that we should have the fullest opportunity of discussing the question? After that assurance, the right hon. Gentleman the Member for Morpeth (the then Secretary of State for the Home Department, Sir George Grey) wrote a letter to the Lord Lieutenant, in which he said the Government, after taking legal advice, found it necessary to introduce a Bill in order to do what they desired. The then Secretary for Ireland (Mr. Chichester Fortescue), who was not a Cabinet Minister, afterwards brought in a Reform Bill for Ireland. Upon its introduction some ambiguous observations were made. We have since been told that this was sufficient notice; that the assurance of the then Chancellor of the Exchequer had been completely complied with; that the policy announced in the letter of the right hon. Gentleman the Member for Morpeth (Sir George Grey) had been revoked, and that we ought then or never to have taken our objections. No one, however, who takes any interest in the question so understood it. So things went on to the end of the Session. On the 13th of June, six days before the Government resigned office, they obtained the Sign Manual to a Charter. That Charter was not sealed until the 25th of June, or six days after they had tendered their resignations. The House never heard a word about it. On the 27th, while they were merely holding office until their successors were appointed, they issued a warrant, by means of which they packed the Senate that was to accept the Charter. They added six Members to that Senate, all of them their own supporters, and four of them Roman Catholics. They were advised that the Charter must be received by that body, and they knew, as turned out to be the case, that if it was not packed the Charter would be refused. After the Charter was accepted, a suit was instituted before the Master of the Rolls on what appears to a non-legal mind to be a

most reasonable ground—namely, that a body appointed to carry on the ordinary purposes of a corporation could not annul the corporation by accepting a different Charter. The Master of the Rolls dismissed the suit on the technical ground that the Attorney General ought to have been made a party, but intimated that his opinion inclined in favour of the petitioners. That is the treatment which the great measure of Sir Robert Peel has received from hon. Gentlemen who sit below me. From the opposite side of the House we are told that it has been a failure. On this side every concealment—what shall I say?—every legal chicane has been employed to destroy it, and that because the late Ministers dared not bring the matter fairly before the House. The late Chancellor of the Exchequer announced that it should be brought before the House. The late Home Secretary wrote to the Lord Lieutenant that it must be brought before the House. It was not. Why was it not? Because the Government were initiating a policy with which they dared not face the House, and upon which they dared not stand a debate. It is all very well to say that this was done to please the Roman Catholic people of Ireland—the Roman Catholic laity; but we know very differently. We know that the Roman Catholic laity have never felt any objection to these institutions. They have been driven into antagonism by the coercion of spiritual terror. This is the state of things. The simple point taken now is that it is the height of bigotry and intolerance to offer to the Roman Catholic youth that they shall be educated upon precisely equal terms with the youth of any other denomination; that the Government are violating all liberal principles and all principles of fairness, because they say to the Roman Catholic youth of Ireland, "You shall receive the same secular education as the youth of all other denominations, and your religious principles shall be in no degree invaded or interfered with." This is called persecution and intolerance. I suppose it is not the height of intolerance for the Roman Catholic hierarchy to say that their religious opinions do not permit them to allow the children of Roman Catholic parents to be educated with those of persons of other denominations, or to receive secular instruction at their hands, because they differed from them in religion. The question now is, whether we are to give up, surrender, and abandon this noble idea of a united education for all classes in Ireland.

Are we to resign the best and perhaps the only hope we have left of welding into one harmonious whole opinion and feeling in that distracted country, of reconciling the difference among the people, and teaching Irishmen to regard each other with feelings of mutual charity, friendship, and regard? Are we deliberately to give up this noble conception. And for what? To expend the State funds in subsidizing denominational institutions, where each denomination should be put into the hands of its clergy, to be instructed in doctrines of bigotry, intolerance, and mutual animosity. That is the new creed of liberality. It may be said we ought to defer to Irish opinion, and that Irish opinion is Roman Catholic—that is the opinion of the hierarchy. But there is a limit to this spirit of concession. There is other liberality than giving over everything to persons who may command a majority. In regard to anything so sacred as popular education we have a duty to perform to the young men of Ireland—the duty of taking care that in expending the public money for the purposes of their education we expend it in the manner most favourable to their growing up, not merely with intellectual knowledge, but in peace, harmony, and concord with each other. This was the intention of Sir Robert Peel. This intention we are about to cast to the winds in the vain hope of conciliating the Roman Catholic hierarchy, of whom I wish to say nothing disrespectful, but whom we know to be bound by their creed and by the vows they have taken never to be contented as long as anything they desire with a view to the temporal and spiritual predominance of their faith and Church is withheld. Their creed is that education should be entirely in the hands of the clergy. Unless the State is prepared to surrender that point altogether—that point so manfully maintained for twenty years—they will never be satisfied. This is not a question of a little more or a little less. It is a question of maintaining mixed education or surrendering it absolutely into the hands of the clergy of different denominations in Ireland. It is said that the position of the question has changed in consequence of what has happened in England, because we have a denominational system of primary education in England. The case is not analogous. The denominational system of primary education in England is maintained mainly at the expense of the denominations. This system, in Ireland,

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is maintained mainly at the expense of the State. In England the State has assumed a secular position, and gives assistance to the communication of secular education. That is a very different thing from saying that a system which is intended to teach people mutual charity and kindness is a failure—in order to establish the practice of keeping young people separate, and excluding them from that communion with each other in early life which is the greatest softener of religious animosities. If there is anything in the world worth making a stand for it is such a principle as this. I do hope that, although hon. Gentlemen below me have done everything to undermine and to destroy the system, and have packed the Senate of the University in order to bring it into accord with the feelings of the Roman Catholic hierarchy of Ireland, although the noble Lord has announced a failure where he ought to proclaim a success, I do hope there is enough of liberality in the House of Commons not to allow this noblest work of one of our greatest Ministers to be trampled under foot by bigotry and intolerance.

MR. GLADSTONE: While the echoes of the cheers from the opposite Benches have hardly died away, I should, perhaps, take the opportunity of congratulating my right hon. Friend the Member for Calne (Mr. Lowe) upon his having at length succeeded in awakening some small portion, at least, of that enthusiasm which was so abundantly evoked last year by his speeches on Reform. ["Question!"] I beg the hon. Members to believe that I will soon and closely enough connect this matter with the question for which they so anxiously call. I venture, Sir, to observe, that as my right hon. Friend has reaped this year the harvest of the seed he sowed last year on the subject of Reform, so perhaps he may have to reap on a future occasion the harvest of the seed he is now sowing, with respect to education in Ireland.

I must now, Sir, protest against the injustice of my right hon. Friend in the treatment he has bestowed on my hon. Friend the Member for Devonshire (Mr. Acland). He rebukes my hon. Friend for having undertaken to speak as the organ of the Liberal party. My hon. Friend claimed his right as an individual to speak for himself. He never arrogated to himself the function of speaking for the Liberal party. My right hon. Friend was not satisfied even with this injustice. He went on to another injustice yet more

marked, and said my hon. Friend the Member for Devonshire had denounced the Queen's Colleges as the homes of godless education. My hon. Friend did nothing of the kind. He referred to that epithet as indicative of a sentiment that has actually prevailed among persons who have much influence and power with respect to this question, and who express the opinion of a large portion of the people of Ireland; but he did this without, in the slightest degree, appropriating the language to himself. I hope my right hon. Friend will correct the injustice he has done to my hon. Friend.

And now, Sir, I turn to other matter. I am concerned that my right hon. Friend should have felt it his duty to be the first to give an angry and controversial aspect to this debate. I had hoped from all I had before heard, that we might have discussed the subject simply with reference to the grave interests which it involves; to the future of Ireland and the relations of that country to this country. I had hoped that the tone in which the discussion had begun would have continued to the end. I hope it may resume that pacific tone. I will on that account take but the briefest notice of the attack of my right hon. Friend on the late Administration. The conduct of the late Administration with respect to this subject is a perfectly legitimate subject of question in this House. Let him move in that matter when he pleases. We shall be able and ready to meet him. But one thing let him not do. Let him not profess to show that the opinions and the interests of which he is the advocate have been put to prejudice through our conduct. If he does, I must remind him and the House that during last Session, after we had lost the advantages of power, while we were in those very places we now occupy, this subject was fully discussed. We—I myself—pointedly challenged my right hon. Friend, in terms the most distinct, to raise fairly in this House an issue upon those principles of which he says he is the enthusiastic apostle. No consequences had then flowed from our conduct, or misconduct, which could embarrass him. Ample time was given before the close of the Session. He did not choose then to accept that challenge. He did not choose to submit his doctrines to the judgment of the House, and now he comes down with the pretence, for I can call it nothing better, of representing that through us,

forsooth, these doctrines and their advocates have been put to prejudice. Thus far, Sir, as to my right hon. Friend. I will follow him no further into the polemical part of the question. I now go to the merits of the case.

If anything could induce me to question the wisdom of the policy of Sir Robert Peel in 1845 it would be the defence of that policy which I have heard from my right hon. Friend. But I do not impugn it; I have from the first supported it. I was not at that moment in office with Sir Robert Peel. I was an independent Member of the House. As an independent Member I cordially supported the Bill introduced by him for the foundation of the Queen's Colleges. I have never repented it. I really had thought my right hon. Friend was capable of stating, with some resemblance at any rate to fact, matters of history. But in the highly coloured rhetorical and exaggerated description he has given, I am at a loss to recognise the smallest relation to events that have occurred. Let us bring the matter to issue, and ask whether there is the slightest justice, or approach to justice, in the representation made by my right hon. Friend. It is needless to quote his words. If I use the strongest words my vocabulary can supply, my right hon. Friend will not disown them. He strained his own great resources of language to describe the violence of the course which the late Government pursued. Anybody who listened to him and knew nothing else would have supposed that we had first betrayed and then denounced the system of education pursued in the Queen's Colleges. If this were a matter of mere party contention, I should be tempted to contrast the description of sentiment, which Gentlemen opposite are so busy and so animated in cheering tonight, when Ireland is the subject of discussion, with the sentiments they cheered not less loudly on Wednesday last, when the question was what should be the system of education for England. But I pass on, and ask, is it true that we betrayed, or is it true that we denounced the Queen's Colleges? Is it true that we turned away from them the beneficence of Parliament to other objects? There is not a shadow of truth in any of those highly-coloured statements. I do not depart by one inch from the ground we have always held. I agree with him in that single sentence of his speech, that the object of the Queen's Colleges was not to give a mere secular

education, but to give to Irishmen, irrespective of their creed, the benefit, by living within the precincts of the same college, of cultivating feelings of mutual friendship and goodwill. God grant that the Queen's Colleges may long prosper to fulfil that purpose! And are we not from year to year voting the money of the State for this same end? Is it not true that these Colleges are not only the recipients but the exclusive recipients of the bounty of the State? By our encouragement, down to this very hour the Colleges which my right hon. Friend says we denounced and abandoned are receiving the direct countenance and bounty of the State. The utmost that ever was urged by us in behalf of Colleges of a different description, which may be called of a denominational character is, that their students should not be put under civil disadvantages on account of the denominational character of these establishments. But when my right hon. Friend says—and I am quite sure he believes it—when he says that he is the hero and the apostle of tolerance—[Mr. LOWE: I never said so.] Well, Sir, if my right hon. Friend is prepared to admit that he is on this one occasion the champion of the grossest intolerance—[“No, no!”]—he denies having said he is the apostle of tolerance; I really want to know what he is the apostle of? [Mr. LOWE: Not an apostle.] My right hon. Friend disclaims apostleship. Upon that question I will not quarrel with my right hon. Friend. I will never call him an apostle again. At any rate, he claims to be here the champion, the advocate, the teacher—if not the apostle of tolerance. He appears here, he says, as the champion of the principles of tolerance against those principles of intolerance which he thinks were advocated by my hon. Friend the Member for Devonshire (Mr. Acland). What are those principles of tolerance? It is very important that we should know how we stand in the matter. The conduct of the late Government is perfectly open to question and challenge. I do not ask, either directly or by implication, any approval of what they have done, or any exemption from censure, if the House shall think fit to bestow it upon them. What I do ask is that we shall consider with care the public bearings of this question as it respects the people of Ireland, and the principles on which Ireland is to be governed. In Ireland we have two Universities. One of these is what is termed

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a denominational University, characterized, I believe, as far as its administrators are concerned, though I have no direct knowledge on the subject, but speaking from all I have learnt, characterized by a considerable degree of kindness and tolerance. Still it is a University necessarily associated with that particular form of religion to which the immense majority of the Irish people do not belong. Let us see at this point how true or untrue is the representation of my right hon. Friend as to the blessed state of impartiality and justice of the existing system in Ireland with which it was so impertinent in the late Government to interfere. There is one University, denominational in character, rich in the possession of large revenues, social influence, and tradition. There is another University, modern in its construction. How does it stand compared with that which we adopted as a model for a new University in England, strictly respecting the principles of English liberty. All who chose might find in connection with this last—I mean the University of London—a college and a system of education purely secular; as denominational, as narrow, as contracted, as they pleased. That was the last and authentic declaration of the mind of Parliament with respect to the modern character of a University for England. But is that the character of the Queen's University in Ireland? No, Sir, it was limited in the granting of degrees to students proceeding from the three Queen's Colleges. It was therefore a condition that no sectarian, no special religious education should be given. Now the late Government never intended to interfere with that principle, or to withdraw from the Colleges any portion of the aid and countenance of the State afforded in the shape of solid money. What has been attempted is to put an end to a condition of things in Ireland which is a scandal to our modern notions of toleration. A state of things in which we said to the Roman Catholics and Presbyterians of that country, “If you choose to educate your children in Ireland on the same principles as we educate our children in England—namely, the principle of sending them to Colleges in which their religious creed is taught—you shall be excluded from the civil privileges of having University degrees bestowed upon your children.” But even that is not the statement of the whole case. The Colleges in which we in this country have

this denominational system are endowed Colleges, in possession of great wealth and privileges, rich in fame and tradition. All we ask is that in Ireland the humble institutions founded by the Roman Catholics themselves for the education of Roman Catholic youth, or by Protestants similarly minded for Protestant youth, should be—not endowed out of the public purse, not sharers in the privileges of Dublin University—but should be simply not excluded from the power of sending the youth educated in them to be examined at the Queen's University for degrees in civil branches. Is not this reasonable? It really seems that, under the name of tolerance and liberality, civil disabilities are again to be inflicted for religious belief. The opinion which leads gentlemen to have their children educated in colleges where their religion is taught as part of the system of the colleges is a religious opinion. The withholding the privilege of a degree in medicine or law on account of taking such a course is the imposition of a civil penalty. Are these civil penalties to be inflicted, or are they not, on account of religious convictions? If this is to be the case, let not these disabilities be inflicted in Ireland alone. Let us go with equal hand through the whole of the country. Let my right hon. Friend the Member for Calne apply his mild and tolerant plan to Oxford and to Cambridge. If he were to propose to do so—and I do not doubt his readiness, for I admit his impartial consistency—I should like to see the change of countenance which would be exhibited by hon. Members opposite, and to notice how dumbness and deadness would succeed to their more than strenuous cheering. In the very same speech in which my right hon. Friend proposed to inflict penalties on the *corpus vile* of our Irish fellow-subjects, he uttered an *obiter dictum* against which I must protest. He said that the Roman Catholics were induced to send their children to the Roman Catholic University by the influence of spiritual terror.

MR. LOWE: I said that prevented them from sending their children to the Queen's University.

MR. GLADSTONE: That is exactly the same for the purpose of my remark. If it be so, I regret the circumstance as much as my right hon. Friend. I am as cordial and sincere a well-wisher to the Queen's Colleges as my right hon. Friend. I have undergone no change

in my opinion since I first supported the proposal for their establishment, at a time when that proposal met with a formidable opposition. But now, if it be true that the laity of the Roman Catholic Church are under the coercion of spiritual terrors from their clergy, that is a great misfortune for them, and I deeply sympathize with them. Yet I earnestly protest against all attempts to relieve the Roman Catholic laity from the despotism, if such it be, of the Roman Catholic clergy, by Act of Parliament or by any proceeding of ours. That is an affair entirely for the Roman Catholics themselves. My right hon. Friend, in one of the highest flights of his rhetoric and imagination, said that I (Mr. Gladstone) had stated that the Queen's Colleges had failed.

MR. LOWE: No; the noble Lord the Secretary for Ireland said that.

MR. GLADSTONE: I certainly see no evidence that they have failed. I should be sorry if they had failed. But there is a large portion of the people of Ireland whose wants they do not meet. Now, Sir, to conclude, when I began my observations by alluding to the course which my right hon. Friend has taken on another subject, I did so not from any idle desire—I say it from my heart—to taunt one who has earned the respect of the whole House during this Session and the last, by the uniform consistency with which, separating himself on conviction from his party, he has adhered to his opinions. But I fear in this instance, as in that, that the resistance to moderate demands will end in concessions to immoderate proposals. The Roman Catholics may hereafter plead for a direct recognition of their University, a subject upon which I give no opinion beyond what I have already—namely, that the multiplication of Universities is a great evil, and that the value and dignity of degrees depend much on the circumstances of the learned tribunals that confer them. At a future time, perhaps, the sacred bulwarks of Trinity College may be assailed; and those who stand here as their official defenders may, when the trumpet is sounded and the assault is delivered, not be found so ready in the work of defence as would be expected from their present language. They may then say, "Our objection to your measure was not that it was too large, but that it was too small. We could not stoop to your peddling proposal for merely admitting

Roman Catholics and others to degrees in the Queen's University. But show us a comprehensive measure which will settle the question—show us a measure worthy of the genius and daring of great statesmen—show us a field where it will be worth while for such as we are to employ our hands, and then we are the men to do the work, and the work will be done.”

LORD NAAS said, that he had not stated that the Queen's Colleges had failed. What he said was that they had failed to attract the confidence of a considerable portion of the people of Ireland.

MR. PIM said, he hoped that the whole question would be taken up in the same large spirit in which the subject of Reform had been dealt with, and settled once for all.

Question put, and *agreed to*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) £15,000, Burlington House, *agreed to*.

Motion made, and Question proposed,

“That a sum, not exceeding £20,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1868, towards the Expense of erecting a Building for the use of the University of London.”

MR. LAYARD said, he would appeal to the noble Lord (Lord John Manners) to postpone the execution of the present design for the new buildings for the London University in the rear of Burlington House. A pledge was given last year that the plans should be submitted to the approval of the House before any decision was arrived at. The pledge had not been fulfilled. Some progress had been made with the building, until the noble Lord, upon his suggestion, had consented to order a temporary suspension of the works. He objected to both the plans that were in the Library. They had been drawn on the supposition that Burlington House would remain untouched, and that the London University was to be an entirely separate and distinct building. But that edifice was to be altered, and to be made part of a new group of buildings, the colonnade and screen now existing being about to be removed. It was now obviously

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desirable that the whole buildings should be raised in a uniform style. What had been done? Three different architects had been chosen for three portions of the work—Mr. Smirke to deal with Burlington House; Messrs. Banks and Parry for the buildings in front; Mr. Pennethorne for those in the rear. Messrs. Banks and Parry had proposed plans in harmony with Burlington House. Mr. Pennethorne proposed to do his part of the work in the Italian Gothic style. It was against this intention that he desired to protest. He was certain that no man of taste and no architect of experience would sanction it. He had no wish whatever to criticize Mr. Pennethorne's designs. He was well aware of that gentleman's abilities, and that he had been the architect of some successful buildings, such as the Museum of Practical Geology, in Jermyn Street. What he objected to was the anomaly of erecting such a structure in the Gothic Italian style at the rear of Burlington House, and thus introducing a different style of architecture into the same group of buildings. Ninety-nine men out of 100, if asked what should be the style of the new buildings, would say that it ought to be the same as that of Burlington House. Under these circumstances, he wished the noble Lord the First Commissioner of Works would see the expediency of suspending further action in the matter. Mr. Pennethorne might produce another plan which might be submitted to some eminent architect as a referee, and thus a design might be furnished which would be acceptable to the House, as well as an ornament to the metropolis. The Senate of the University of London, as well as the body of that institution, had passed resolutions against the present plans. He thought, therefore, he was justified in appealing to the noble Lord to see that they were revised. He moved his Amendment.

Amendment proposed,

To add, at the end of the Question, the words “provided that no part of such sum shall be applied to the erection of any building according to either of the designs now exhibited.”—(*Mr. Layard.*)

LORD JOHN MANNERS said, he should be able to show the Committee that he had already in the main adopted the suggestions which the hon. Gentleman had thrown out. He held in his hand a document signed by eminent professional gentlemen—the Building Committee of the Royal Academy. It was signed by the President of the

Royal Academy, Mr. Sidney Smirke, Mr. C. Landseer, Mr. E. Barry, Mr. Gilbert Scott, and others. It stated that the building of the London University and those of the Royal Academy would be perfectly isolated and distinct from each other, and that there would not be the slightest architectural or other connection between them. No body of gentlemen in London could give a more intelligent or authoritative opinion on the question raised by the hon. Member than the distinguished artists and architects named. It was impossible therefore to contend that there was the slightest architectural or other connection with the building about to be erected on what was called the north side of Burlington Gardens. It was really a street, and could be seen by nobody who was not in that or in Cork Street. As far as architectural connection was concerned, the only house with which the building would be in any such connection was the house of General Cavendish, who made no objection to the accepted design. The building had now risen to a height of nineteen feet, the contracts for it were let, £9,000 had been expended upon it, £6,000 more had been contracted for, and the materials were on the spot. Much delay had occurred from the pledge he had given before Easter that all the works prejudging the style should be suspended. What was now asked was that the House of Commons should, on no conceivable ground, incur an extra expenditure of at least £5,000, and retard the progress of these buildings three or four months. The hon. Member had referred to the London University. Everything had been done to accommodate that body, and meet all its practical requirements. When it was intended to proceed with the design the University authorities had been requested to send some one on their behalf to see it. Dr. Carpenter saw it. He expressed himself in favour of the design afterwards adopted. After the building had been commenced, was the House to say that because the University of London was interfering at that moment the works were to be stopped? He saw with regret that a person connected with that body had declared that it would be right for it to set about canvassing the Members of the House of Commons in order to bring about that result. The House, he thought, should be chary of giving way to demands of that kind. As long as they had a Minister who was responsible for their public buildings they could deal with him.

If he sanctioned a bad building it was always open to them to condemn him; but if they allowed a body external to themselves to canvass Members of Parliament, and to call for the stoppage of works in progress, increased expenditure and delay would be incurred, and what would become of the responsibility of the Minister? If the London University was to exercise a right of deciding what the style of a building ought to be, how could they refuse the same concession to the other learned bodies whom they were going to accommodate? He hoped the House would refuse to divest itself of its proper power, and would reject the Amendment of the hon. Member.

MR. CARDWELL said, the Members of the Council of the University of London who sat in that House would be wanting in their duty if they did not ask the opinion of the House on that subject. Those designs had been placed in the Library to give hon. Members an opportunity of seeing them before they were executed. Now they were told that the works could not be interfered with because a large expenditure had already been incurred upon them. It was not treating the House fairly. The Council of the University only claimed that right to express an opinion and submit it to the House which belonged to every subject of the Queen. Dr. Carpenter had too much good sense to have expressed any judgment upon those designs on behalf of the University. The execution of either of the plans exhibited in the Library would be a great disfigurement to the metropolis. It would be the worst possible economy to allow the works to proceed. As to the proposed building being situated in a narrow street, the narrower the street was, and the fewer the persons were who saw it, the better.

MR. BERESFORD HOPE said, that some of the objections which had been put forward embodied grievances not of a practical character. It seemed to him to be a merely sentimental feeling, because there might have been one large building in Burlington Gardens, and instead of that there were two smaller buildings with different objects and different entrances, that therefore they should both be in one and the same style. Nobody without the wings of a dove could fly away and see the two separate fronts of two distinct buildings at one and the same time. To urge that the style of building in the vicinity should govern the style of the contemplated edifice was in effect to say that Burlington

Arcade on one side and the Albany on the other should enter into the artist's calculations. As to his right hon. Friend's (the Member for the City of Oxford) observation that because the institution was novel, therefore, what was called mediæval architecture should not be adopted, he could only say that some antecedent style or other must be followed unless we invented an architecture of our own. Of this, indeed, there had recently been two examples, one at South Kensington and the other in Paris at the new Exhibition; but neither of them would, he imagined, be deemed satisfactory. As for his right hon. Friend's assertion that Gothic was not suited for a London University or College, he concluded that Classical was still less so, unless it could be shown that we had more affinity with the Pagan Greeks of the 4th century before, than with the Christian Englishmen of the 14th after Christ. Besides, to give an instance directly in point, if ever there were modern Colleges, in all senses those were the Queen's Colleges in Ireland, and yet every one of the three Queen's Colleges was built in Gothic. Mr. Pennethorne's design as it stood was not satisfactory, but it might be corrected upon the present lines. On the whole, as a compromise, he should recommend the adoption of that early form of architecture embodying traditions of the Gothic period, of which the School of San Rocco at Venice was an example. He hoped the Motion of his hon. Friend would be withdrawn on receipt of an assurance that the design would be re-cast, and that the decision would not be given with regard to that matter of correspondence of style which, as he had shown, had no foundation in fact.

MR. TITE said, that his original impression as to the mode of access to the buildings had been erroneous. No necessity existed for the two buildings being in the same style. The misfortune was that the design had not been exhibited at first, as was expected. If it had been it would have spared the waste of some money, and would have obviated all the difficulty which had arisen through the battle of the styles. He could not help regretting that Mr. Pennethorne had departed from the style of Somerset House and Burlington House, and taken a fancy to a new style, to which the general feeling of the House was opposed. Mr. Pennethorne, however, was an accomplished architect, and he believed that a month would enable him to finish

an amended design, which might save at least £5,000 to the country.

MR. LOWE said, he hoped the noble Lord (Lord John Manners) would not adhere to his former decision. On the part of the Senate or Convocation of the London University, there was no wish to interfere with his undoubted authority. At the same time, with an unanimity which he had rarely witnessed, every one had disapproved the design. Excellent as the internal arrangements admittedly were, they were spoilt by a façade of which everybody was inclined to be ashamed. This was no frivolous or merely sentimental matter. Ideas as to the character of University teaching associated themselves with the outlines of the building in which they were lodged. His official acquaintance with South Kensington led him to believe that the department had suffered much in public estimation from the simple fact that the public eye connected it with the Brompton Boilers.

LORD JOHN MANNERS said, he had no objection to the suggestion of his hon. Friend the Member for Stoke (Mr. Beresford Hope) that a new design for the façade should, if possible, be procured. This would of course be after consultation with Mr. Pennethorne, on the understanding that so much of the building as was already completed should be allowed to remain. He objected to the removal of any portion already erected at great expense.

MR. LAYARD said, that anything which would involve an expenditure such as that just referred to by the noble Lord had been caused by those who had charge of the building. There had been a distinct understanding with the House last year. He could not concur with the suggestion of the noble Lord, that what had been done should remain.

MR. BENTINCK said, he concurred with the hon. Member for Southwark that there had been an understanding with the House. He thought that if the noble Lord consulted with his architect, he would find that the change could be made without much expense.

MR. LAYARD said, he must divide on his Amendment.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 52; Noes 46: Majority 6.

Mr. Beresford Hope

On Question, that the Vote, as amended, be agreed to,

Mr. AYRTON said, he would suggest that the Vote should be postponed.

LORD JOHN MANNERS said, he did not see any object to be attained by postponing it. He was prepared to act on the opinion expressed by the Committee.

Mr. BERESFORD HOPE said, he thought the Vote ought to be postponed.

THE CHAIRMAN said, the question having been amended could not now be withdrawn. The Committee must either affirm or negative the Vote, or else report Progress.

Mr. HUNT said, the better course would be to agree to the Vote with the Resolution now, and then the Resolution could be struck out in the Report after its object had been attained.

Mr. POWELL said, that before the Vote was reported to the House, some time should intervene to allow the Government to bring some other plan before the House.

Words added.

Main Question, as amended, put, and agreed to.

House resumed.

Resolutions to be reported upon *Monday* next.

Committee to sit again upon *Monday* next.

House adjourned at a quarter after Two o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, June 3, 1867.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Bunhill Fields Burial Ground* (105); *Local Government Supplemental* (No. 2) * (119).

Committee—*Public Libraries* (Scotland) *Acts Amendment* * (85 & 128); *Army Enlistment* (112).

Report—*Increase of the Episcopate* (118 & 129).

Third Reading—*Labouring Classes Dwellings Acts* (1866) *Amendment* * (104); *British Spirits* * (103); *Statute Law Revision* * (106) and passed.

THE KNIGHTSBRIDGE CAVALRY BARRACKS.—QUESTION.

LORD REDESDALE asked, Whether it was the intention of Her Majesty's Government to have the Cavalry Barracks at Knightsbridge pulled down; and in that event, whether those persons who were to benefit by the removal of the Barracks were to find a site and build other barracks at their own expense? He was induced to bring the subject forward in consequence of his having seen in the newspapers, and heard from other sources, that a great agitation was being raised by persons connected with property facing or adjoining the barracks, with the object of getting them pulled down. He had been informed by persons who were well acquainted with the subject that these were extremely good Barracks, and that their situation was the best that could be found for them in the metropolis for the services which the regiment quartered there, being the Household Troops of Her Majesty, were called upon to perform. They were also most conveniently placed for giving assistance to the civil authorities should the necessity unhappily arise. It had been reported that the Barracks were unhealthy—but he had heard from officers who had been quartered there the strongest authority of their remarkable healthiness. In fact, they were more healthy than the Regent's Park and Windsor Barracks. It was objected that these Barracks were unhealthy because a considerable portion of the soldiers' living-rooms were over the stables; but many of their Lordships' grooms and servants lived over stables and they did not complain of anything injurious. The only other objection was that the hospital was not so good as it might be; but that might be easily remedied. It would be going too far to say that any barracks built in former days were perfect with regard to all their arrangements—indeed, he believed it was doubtful whether the new model Chelsea Barracks, which had been recently erected at a great expense, were perfect in regard to ventilation and other matters. It was evident that this was a movement originating with persons who were interested in the property in the district, and who desired the removal of the Barracks with a view of improving their property at the public expense; and he thought that the persons who were agitating for the removal might fairly be called upon to provide another site and erect

barracks at their own cost. When he asked a short time ago when the new Government offices were to be proceeded with, he was told that the money was not forthcoming for that most important object, and to remove these Barracks at the public expense—and he supposed it would cost £150,000 to find a new site and rebuild the Barracks—would, under such circumstances, be a most wanton expenditure of public money. The present site was a very good one, and he doubted if another so advantageous for the Household Troops could be obtained. The removal of the Barracks would be most unfair to those who used them, and would be followed with the greatest inconvenience. He hoped there was no intention on the part of the Government to accede to the request of interested parties.

THE EARL OF LUCAN said, he should not be doing his duty if he did not express his opinion upon this matter, as he knew of no barracks in the country as good as those at Knightsbridge. He was glad to see the noble Earl the late Secretary for War (Earl De Grey and Ripon) in his place, as he had not the pleasure of listening to him when on a former occasion he had expressed himself so forcibly upon the subject. The noble Earl was reported to have said that the Barracks were so hopelessly bad that it was impossible to do anything in the shape of improving them, and that it was so unhealthy that it would admit of no sanitary alteration whatever of worth. But he (the Earl of Lucan) found that the Household Troops occupied these Barracks alternately with the Windsor and Regent's Park Barracks, and he had in his hand a statement to show that the Knightsbridge was the most healthy of the three. On what, then, did the noble Earl found his very bad opinion of the Knightsbridge Barracks? It could not be on insufficient space, because the men had on an average 700 cubic feet of air each; it was true the stables were only ten feet high, and perhaps it would be better if they were twelve; but how many of their Lordships had stables not more than ten feet high? He had known the Barracks many years, and had never heard of any serious sickness among the horses there. He challenged any noble Lord to produce a case of sickness among the horses. Doctors were known to be very fastidious; but the surgeons of his own regiments had expressed their surprise at the spaciousness of the Knightsbridge Barrack

Lord Redesdale

Hospital; the wards were no less than sixteen feet or eighteen feet high, and the only objection he had heard to the wards was that the windows were too high and prevented the sick from looking out. He therefore could not understand how it could be said that these Barracks were so hopelessly bad that they should be pulled down at a cost of £300,000 or £400,000. He did not exaggerate in making that estimate; the Chelsea Infantry Barracks, which would not hold 1,000 men, without officers, had cost the country nearly £200,000. [The Duke of CAMBRIDGE: £250,000.] He preferred being within the estimate, but would say £250,000. Could it be seriously intended wantonly to pull down Barracks which occupied the best possible site in a military point of view? However ill-disposed the late noble Secretary for War might be towards these Barracks, they would certainly survive him if left to time. No doubt there was a great outcry raised against the Barracks by persons in the neighbourhood; he held in his hands a petition addressed to a Secretary for War urging their removal; but the petition contained no allegation which was not false, and he believed its promoters had not only gone to every house in the neighbourhood but had gone every day in the week until they had extorted a signature. The petitioners asserted that the Barracks had been condemned by successive Secretaries of State; but he (the Earl of Lucan) could not endorse that assertion:—they said that the neighbourhood was infested with disorderly characters, and might be likened to the Haymarket; now, he had taken the trouble to make the comparison, and in his opinion there could not be a greater mistake. The petitioners also “respectfully referred to the statement made by Earl De Grey” that no barracks in the United Kingdom were as bad as those at Knightsbridge.

EARL DE GREY AND RIPON asked, whether the noble Earl would be good enough to tell him when he made that statement.

THE EARL OF LUCAN said, he was glad to hear the noble Earl ask that question, because he had already expressed the opinion that every statement in the petition was false; no doubt the statement had been put in the noble Earl's mouth; but every one knew it was untrue. The noble Earl was further stated in the petition to have said that

it had long been the wish of successive Secretaries of State for War to remove these Barracks and to build others more suitable to the requirements of the troops and with all the modern improvements. He was therefore happy to find that the noble Earl had made no such statement. He believed the Barracks were at the present time in a most healthy state and required scarcely any sanitary improvements—certainly not more than £100 or thereabouts would pay for. He was under the impression that there was some speculative builder ready to buy the property, and that the outcry against the Barracks had been raised by persons who might make a good thing out of it. The Barracks did not, he believed, cover more than three or three-and-a-half acres, and, supposing the land were to revert to the Crown to-morrow, what would be done with it? Would they lay it out in buildings? In his opinion, houses erected on that site would be as great a nuisance as the Barracks themselves were supposed to be. On those grounds he felt strongly opposed to the views of the noble Lord.

THE EARL OF LONGFORD believed there was no intention on the part of the military authorities to surrender the Barracks at Knightsbridge. The subject had been mooted more than once, and the only approach to any idea of that kind might, perhaps, have arisen from the fact that the War Office had intimated to those who petitioned for their removal their willingness to accede to the request, provided barracks equally commodious and a site equally convenient were furnished without any expense to the War Office. That amounted, therefore, practically to a fixity of tenure; because it would be impossible to find a site equally convenient, and there were no funds available even if such could be found. With regard to the memorial, he certainly had seen the document to which the noble Earl had referred, though it had not officially come under the notice of the War Office; but its arguments had, he thought, been disposed of by the noble Earl. The remedy for the state of things complained of was in the hands of the inhabitants themselves, for it was quite in their power to proceed against the disorderly houses in the neighbourhood instead of proceeding against the Barracks, which were not disorderly. It was, no doubt, desirable to improve the approaches to the South Kensington Museum and the new Hall of Arts and

Sciences; but still there were some persons so stolid as to think that Cavalry Barracks were quite as ornamental as a Hall of Arts and Sciences. No doubt, by the removal of some of the houses at Knightsbridge a great improvement might be effected; but the cost would be immense, and he very much doubted whether that or any future Parliament would consent to the large expenditure of public money that would be required for such a purpose.

LORD DE ROS, having attended the annual inspection of these Barracks for eighteen years while employed on the Cavalry Staff, did not hesitate to assert that they had always been considered one of the best Cavalry Barracks in England. The Inspection Returns, if referred to, would also show them to have been peculiarly healthy both as to the men and the horses. He thought that barrack improvements had in some instances been carried to a most absurd extent. The Barracks at Chelsea, for instance, were a standing reproach to the country, the architecture was of such a character that it was almost impossible to pass them without laughing, while they were so ventilated that the inmates were at times almost blown out of their beds. It so happens that pocket-handkerchiefs are no part of the equipment of the British soldier, which seemed to bear hard upon men placed in positions so peculiarly favourable to catching colds. Several supposed improvements had also been made at the barracks at Windsor, where, among other things, three or four warm baths had recently been erected. These baths had only one objection, and that was that no provision was made for warming the water—so that the men in using them either had to sit in empty baths or to confine their ablutions to cold water. He did not think the Secretary for War of the last Administration (Earl de Grey and Ripon)—whom he regarded as a very able administrator—was to blame for these matters. The fault was probably attributable to certain gentlemen in the War Office, who were rather fertile in the invention of new schemes and plans, without much practical knowledge of the habits and requirements of the soldier. He might add that, with regard to the Barracks at Knightsbridge, every Report presented by Inspecting Generals of the Cavalry had referred to them in favourable terms, while the charges of misconduct alleged against

their occupants were as unfounded as the abuse of the Barracks, since the records of the regiments of Household Cavalry sufficiently prove the remarkable good conduct and sobriety of the men of those distinguished regiments.

THE DUKE OF CAMBRIDGE: I wish, my Lords, to say a few words before this discussion closes, it having been asserted that the opinion of my noble Friend (the late Secretary of State for War) was that the Barracks are so bad and so inefficient that they ought to be pulled down. The question certainly was discussed; but I was quite surprised at hearing that statement, because my memory, which is by no means a bad one, will not justify me in coming to such a conclusion. I am quite prepared to acknowledge that the public have complained about the appearance of the Barracks; and it was upon that fact that the idea of their removal was originally founded. But when we came to look into the subject we found that the Barracks were thoroughly good, though undoubtedly capable of some improvement; and even at the present moment some portions of them are not quite such as they ought to be. These, however, are questions which ought to be attended to, and no doubt they would have received that attention on the part of the military authorities before now but for the desire that has been expressed in some quarters for the entire removal of the buildings. A few days ago I went over the Barracks with a view to seeing what improvements were necessary, and, with the exception of certain repairs and alterations, there can, I think, be no doubt that the Barracks are very good and efficient. Still, however, it must be admitted that their appearance from without is a little objectionable in an artistic point of view. In the present day that portion of the Park in which they are situated is much frequented by carriages, whose occupants can find in the appearance of the Barracks no very pleasant prospect. That, however, may be remedied by a small expenditure of money. In a military point of view the Barracks are among the best in the metropolis. London, too, has of late years, grown so much that it is very important the soldiers, as well as the public, should have some open space for exercise, and Hyde Park is one of the few spaces at present at their service. I wish, also, to add, with reference to the conduct of the troops, that I have felt it my duty to make very close in-

Lord De Ros

quiries on the subject, and I have not the slightest hesitation in saying that no body of soldiers have behaved themselves better than the Household Cavalry (the two regiments of Life Guards and the Horse Guards Blues). When, therefore, the removal of the Barracks is sought to be effected on the ground that the troops do not behave well, the charge is one which I must repudiate. I quite agree with the noble Earl who has remarked that these Barracks are the healthiest in the metropolis. I do not, however, quite agree with my noble Friend (Lord de Ros), who has expressed an opinion so unfavourable to sanitary improvements, for they have certainly tended much to the comfort and general health of the troops. All these matters—such as lavatories and other things—though small matters in themselves, tend to create a feeling of respectability in the men. I cannot concur, therefore, in the opinion that the Knightsbridge Barracks ought to be removed.

EARL DE GREY AND RIPON said, he had no recollection of having spoken on this subject in the terms set forth. Nothing could be more unlikely than that he should at any time have used the strong language referred to by the noble Earl opposite (the Earl of Lucan), because if he had thought that the Knightsbridge Barracks were the worst in England, he should, in the pursuance of his duty, have recommended Parliament to take steps for their improvement or removal. At the same time, it should be recollected that the construction of the Barracks had been complained of as being very faulty in a sanitary point of view. That was the opinion of the Barrack Hospital Commission presided over by the late Lord Herbert. The question of their removal was considered by the late Lord Herbert, the late Sir George Lewis, and himself; and though reasons were urged for entirely remodelling them or building them on a different site, yet the objections to their present situation were not of so overwhelming a character as to make it necessary, in the opinion of Her Majesty's late Government, to call upon Parliament for the large sum of money which would be required for that purpose. He trusted the question of removing the Barracks would now be decided one way or other. He was glad to be able to bear his testimony to the good conduct of the Household Cavalry; no troops in Her Majesty's service conducted themselves better than they did.

BUNHILL FIELDS BURIAL GROUND
BILL—(No. 105.)—(*The Earl of Shaftesbury.*)
SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF SHAFTESBURY, in moving that the Bill be now read a second time, said, Bunhill Fields, which occupied a space of about four acres in Finsbury, would fall into the hands of the Ecclesiastical Commissioners in the course of the present year, and the Bill before the House proposed to sanction an arrangement which had been entered into between the Ecclesiastical Commissioners and the Corporation of London, by which it was proposed, in order to preserve the site of this celebrated burial ground as an open space and as an historical record, to transfer the management of the property from the former to the latter body, subject to certain conditions calculated to secure the interests of the public; the Ecclesiastical Commissioners reserving to themselves power of resuming the management if they should think fit. The property had been held for the last 200 or 300 years under lease by the Corporation of London, who had granted a sub-lease of it to the Dissenting body. During that period no less than 120,000 bodies had been interred in the burial ground, and among other celebrated personages who had been buried there were Defoe, Bunyan, Lieutenant General Fleetwood, son-in-law to Cromwell; Dr. Isaac Watts; Ritson, the antiquary; John Horne Tooke; Dr. John Owen, chaplain to Cromwell; Dr. Gordon; the Rev. Dr. Neal, the author of the *History of the Puritans*; Dr. Gill, and Dr. Nathaniel Gardner. A spot so remarkable as containing the ashes of not a few of those to whom, among others, we are indebted, under God, for our civil and religious liberties, ought, for ever, to be preserved from desecration.

Motion *agreed to*: Bill read 2^a accordingly, and *committed*.

ARMY ENLISTMENT BILL—(No. 112.)
(*The Earl of Longford.*)

COMMITTEE.

House in Committee (according to Order.)

Clause 1 *agreed to*.

Clause 2 (Renewal of Enlistment.)

VISCOUNT HARDINGE drew attention to the recommendation made by the Royal

Commission on Recruiting, that there should be a discretionary power given to the Secretary of State to authorize arrangements for the re-enlistment of time-expired men serving abroad, and for a graduated scale of bounty to meet their cases. He complained that there was no clause in the Bill to carry out this recommendation, the great object of which was to prevent the waste of expense in bringing home men who might be willing to re-enlist. There might perhaps be valid reasons for not introducing such a clause, but if so, he was not aware of them.

THE EARL OF LONGFORD said, that the recommendation of the Commission in this matter had been fully considered in the preparation of the Bill, and the reason why it was not adopted was the very great inconvenience of having a great number of soldiers enlisted in the same regiment and serving for different periods and on different terms. The graduated scale of bounty would cause considerable trouble. Though the precise recommendation of the Commissioners was not carried out, Clause 2 was framed to give greater facilities for enlistment.

Amendments made; The Report thereof to be received *To-morrow*.

INCREASE OF THE EPISCOPATE BILL.
(*The Lord Lyttelton.*)
(NO. 118.) REPORT.

Amendments reported (according to Order).

Clause 2 (Income of New See).

LORD LYTTLTON proposed to raise again the question in reference to the incomes of the new Bishops—for he thought that when they affirmed the Amendment of the right rev. Prelate (the Bishop of Oxford), some of their Lordships did not quite understand the point raised. He did not expect that the Bill would have any immediate operation by the institution of the proposed new dioceses, because he did not suppose that the large sum required would be raised by voluntary contributions for that purpose; but yet he should be very glad to have Parliamentary sanction to the opinion that these overgrown dioceses might properly be re-cast; and if the Bill passed, those who were favourable to the principle would have the opportunity of considering what further measures might be required to carry the object into effect. But, nevertheless, there

was a chance of the Bill having some effect; and he should be sorry to see that formidable obstacle which this clause would introduce—for, in effect, it required that £100,000 should be raised for the erection of one of these sees, and it was very unlikely that this would be done. He thought that it was desirable that the salaries of the new Bishops should not be necessarily fixed upon a level with the other Bishops. He desired to see the system of the Church somewhat more free and elastic; and if, with the consent of the Commissioners, the Crown, and Parliament, the income of the new sees should be a few hundreds a year less than that of the older sees, he should see no objection. He quite admitted that the old system of translation was not a desirable one, and without the clause there might be some danger of encouraging it; but he thought that danger was overbalanced by the evils on the other side.

Moved, "To leave out Clause 2."—(Lord Lyttelton.)

THE EARL OF DERBY believed that the object of the noble Lord was to do away with all restrictions as to salary.

LORD LYTTTELTON explained that his object was to leave the amount quite open; but the matter would be subject to the consent of the different authorities he had named, which would be required in every case.

THE EARL OF DERBY said, he had voted in favour of the proposition to fix the amount at £3,000 instead of £4,200; but he was quite ready to agree to strike out that clause.

EARL GREY believed that the system of translation on the Episcopal Bench had led to the grossest scandals, and he was opposed to anything that would tend to revive it. If this clause were struck out, there might be two or three Bishops sitting in Parliament having much lower salaries than other occupants of the Episcopal Bench, and looking to the Minister of the day for promotion. He thought that such a state of things might produce very injurious effects in reference to the dignity and respectability of the Episcopal Bench and of the Church generally. Rather than run that risk, if this clause were struck out, he should vote against the Bill altogether.

THE ARCHBISHOP OF CANTERBURY said, there was at present a considerable variety of income among the Bishops; and

Lord Lyttelton

although he quite agreed as to the scandal of translations, the objection of the noble Earl applied to the present variety of income as much as it would apply under the clause in its present form.

EARL GREY thought it was a very different thing to create three new sees having a much lower scale of salary than the existing Bishops. To that he had the greatest objection.

VISCOUNT HALIFAX said, that he was in favour of an increase of the Episcopate, which had been recommended by the Ecclesiastical Commissioners twenty years ago. Considering the duties he had to perform, and the obligation resting on him to maintain a decent hospitality, and to attend in their Lordships' House, a Bishop could scarcely maintain his position upon less than £4,200 a year; and he was sorry to see this attempt to reverse the decision at which their Lordships had already arrived. If Parliament sanctioned the sum of £3,000 a year as the income of a Bishop, he feared that the result would be that thereafter all Bishops' salaries would be reduced to that figure.

THE EARL OF SHAFTESBURY thought that £4,200 a year was certainly not more than adequate, and, indeed, his opinion was that the sum was not enough. He was certain that if the House affirmed that £3,000 a year was enough for a Bishop, then, in any future reform of ecclesiastical revenues (and the time was not far distant when such a proposition would be made) he was convinced that the proposition would not be to raise the lower salaries from £3,000 to £4,200, but would be to bring down the incomes of all the Bishops to £3,000. He thought that this would be a very great evil, and he would maintain the interests of the Bishops in this matter.

LORD REDESDALE pointed out that no scheme in respect to the creation of a new Bishopric could be carried into effect without the sanction of Parliament, and it would be for Parliament to decide when any scheme was proposed whether the income assigned was adequate. He should certainly object to putting £3,000 a year into the Bill.

THE BISHOP OF LONDON did not wish to express any opinion as to what was a sufficient income for a Bishop; but he thought that it was the duty of Parliament to settle that question, and this clause adopted what Parliament had already decided.

On Question, That the said Clause stand Part of the Bill? their Lordships *divided*:—Contents 48; Not-Contents 36: Majority 12.

CONTENTS.

Canterbury, Archp.	Sydney, V.
Chelmsford, L. (L. Chancellor.)	Bangor, Bp.
	Carlisle, Bp.
Cleveland, D.	Chester, Bp.
Devonshire, D.	Gloucester and Bristol, Bp.
Grafton, D.	Lichfield, Bp.
	Lincoln, Bp.
Bristol, M.	London, Bp.
Normanby, M.	Oxford, Bp.
	St. David's, Bp.
Airlie, E.	
Bandon, E.	Belper, L.
Bathurst, E.	Brodrick, L. (V. Middleton.)
Beauchamp, E.	Clermont, L.
Camperdown, E.	Cranworth, L.
Clarendon, E.	Foley, L. [<i>Teller.</i>]
De Grey, E.	Lyveden, L.
Ellenborough, E.	Meredyth, L. (L. Athlumley.)
Grey, E.	Mostyn, L.
Kimberley, E.	Overstone, L.
Lucan, E.	Portman, L. [<i>Teller.</i>]
Powis, E.	Seaton, L.
Shaftesbury, E.	Stanley of Alderley, L.
Stanhope, E.	Taunton, L.
Stradbroke, E.	Wentworth, L.
Halifax, V.	
Hardinge, V.	

NOT-CONTENTS.

Buckingham and Chandos, D.	Brancepeth, L. (V. Boyne.)
Marlborough, D.	Castlemaine, L.
	Churchill, L.
Belmore, E.	Churston, L.
Cadogan, E.	Digby, L.
Dartrey, E.	Foxford, L. (E. Lime- rick.)
Derby, E.	Hartismere, L. (L. Henniker.)
Devon, E.	Heytesbury, L.
Eldon, E.	Lytton, L. [<i>Teller.</i>]
Graham, E. (D. Montrose.)	Moore, L. (M. Drogheda.)
Lauderdale, E.	Northwick, L.
Malmesbury, E.	Penbryn, L.
Nelson, E.	Raglan, L.
Romney, E.	Redesdale, L. [<i>Teller.</i>]
Sommers, E.	Saltersford, L. (E. Courtown.)
Hawarden, V.	Silchester, L. (E. Longford.)
Llandaff, Bp.	Walsingham, L.
Ragot, L.	Wharnccliffe, L.
Bolton, L.	

Clause 9 (Number of Bishops sitting in Parliament not to be increased, *struck out*, and new clause inserted in lieu thereof.)—(*Lord Lyttelton*).

Clause 12 (No part of the Common Fund in the hands of the Ecclesiastical Commis-

sioners to be applied to any of the purposes of this Act).

THE BISHOP OF OXFORD moved the insertion of the words “until one half of the amount necessary for the endowment of such Bishop shall have been otherwise provided.” It was said that the object of the proposal was to endow new bishoprics out of the Common Fund. It was no such thing. The Episcopal Fund was now merged with the Common Fund, and when that fusion took place, it was agreed that the fund so constituted should be liable for the two charges to which the two funds had theretofore been severally liable. The money which was available from the alteration of the episcopal incomes might afford the amount requisite for supplying the incomes of new Bishops, and if the Ecclesiastical Commissioners, the Government, and the Parliament thought right to sanction this, there was no reason why the plan should not at all events partly be carried into execution. His proposition was that this should not be done, however, until half of the requisite fund for the endowment of each bishopric was raised by voluntary efforts. The lay mind of England was not, he believed, convinced at the present moment that it was worth while to give money for such an object, and he simply proposed that it should be lawful for the Commissioners to render that aid which as matters now stood they might lawfully render out of the funds at their disposal. He should prefer to see the clause omitted altogether, leaving it to the wisdom of Parliament to deal with the question whenever occasion arose; but if that were not done he should press his Amendment, as tending in some degree to mitigate the operation of what he looked upon as an unjust provision in the Bill.

Moved to add the following words:—

“Until One Half of the Amount necessary for the Endowment of such Bishop shall have been otherwise provided.”—(*The Lord Bishop of Oxford.*)

THE BISHOP OF CARLISLE thought it should be left to the laity to come forward and provide the whole of the income necessary for the new bishoprics, and that that House should not consent to the adoption of a proposal for appropriating any part of the fund which would be most injurious to the interests of the hardworking clergy of England, who were the most underpaid set of men in the world.

THE EARL OF ELLENBOROUGH said, he would vote for either the Amendment or for the omission of the clause. He believed the creation of the three additional bishoprics to be not merely expedient but necessary; but he did not believe that the subscriptions necessary for the purpose would be raised. The whole thing, therefore, would be a sham unless they adopted this principle of the Amendment. He desired to establish those and other bishoprics by means of funds of which the far larger portion came from episcopal and caputular estates.

On Question? Their Lordships *divided*:—Contents 41; Not-Contents 31: Majority 10.

CONTENTS.

Canterbury, Archp.	Chester, Bp.
Chelmsford, L. (L. Chancellor).	Ely, Bp.
	Gloucester and Bristol, Bp.
Buckingham and Chandos, D.	Lichfield, Bp.
Marlborough, D.	Lincoln, Bp.
	Llandaff, Bp.
	London, Bp.
Bath, M.	Oxford, Bp.
	St. David's, Bp.
Beauchamp, E. [Teller.]	
Belmore, E.	Bagot, L.
Cadogan, E.	Brancepeth, L. (V. Boyne.)
Cardigan, E.	Foxford, L. (E. Lime-riek.)
Derby, E.	Hartismere, L. (L. Henniker.)
Devon, E.	Heytesbury, L.
Ellenborough, E.	Hylton, L.
Leven and Melville, E.	Northwick, L.
Malmesbury, E.	Raglan, L.
Nelson, E. [Teller.]	Redesdale, L.
Powis, E.	Silchester, L. (E. Longford.)
Romney, E.	Walsingham, L.
Stanhope, E.	Wharfedale, L.
Hawarden, V.	
Bangor, Bp.	

NOT-CONTENTS.

Cleveland, D.	Sydney, V.
Devonshire, D.	Carlisle, Bp.
Bristol, M.	Belper, L.
Normanby, M.	Brodrick, L. (V. Middleton.)
	Churston, L.
Airlie, E.	Clermont, L.
Bandon, E.	Cranworth, L.
Bathurst, E.	Digby, L.
Camperdown, E.	Foley, L.
Clarendon, E.	Lytton, L. [Teller.]
De Grey, E.	Lyveden, L.
Graham, E. (D. Montrose.)	Mostyn, L.
Grey, E.	Overstone, L.
Kimberley, E.	Portman, L. [Teller.]
Shaftesbury, E.	Seaton, L.
	Stanley of Alderley, L.
Halifax, V.	Taunton, L.

The Bishop of Carlisle

THE EARL OF ELLENBOROUGH thought their Lordships, after the decision which had just been arrived at, ought now to pause. Their legislation would be made more simple and intelligible if it proceeded on the responsibility of the Government. He regarded it as a matter of the highest importance that the creation of a new bishopric should be made on the undivided responsibility of the Government. Moreover, he could not understand the position which these new ecclesiastical officers who were to be designated "Assistant Bishops," were to fill. Unlike ordinary Bishops, who, as soon as they were consecrated, entered into possession of all their powers, when created these would be in a state of suspended animation, having no means of exercising authority except by permission of another, which permission might afterwards be wholly or partially withdrawn. Hence every Bishop would carry about with him his own Prometheus, or to use a more intelligible phrase, would have at his disposal one or more "movable dummies." But was such a provision calculated to maintain the character and position of the Bench of Bishops? The House had shown its disposition to maintain the efficiency and character of the bench of Bishops; but would that efficiency and character be maintained by creating Assistant Bishops with so small a share of responsibility and power and not a particle of income? The assistants of one Bishop might not be recognised or continued by his successor, and would then have to sink back to the position of rural deans. Hence they might have Bishops to the number of 130, ill paid, and with duties indefinitely defined; would that give increased influence or respectability to the right rev. prelates? He believed the House would do well to take a little more time to consider the subject, and that the noble Lord would do well to confine the provisions of his Bill to the creation of the three new bishoprics and let it go down to the other House in that simple shape.

LORD LYTTLETON said, the House appeared to have proceeded very carefully in its legislation hitherto, and he did not see any necessity for adopting the advice of the noble Earl.

Clause agreed to.

Clause 13 (Her Majesty may appoint certain Persons to aid Bishops).

LORD PORTMAN moved the omission

of the words "honorary canon" and "rural dean" from the clause, because he thought clergymen of that position should not fill the post of Suffragan Bishop.

THE BISHOP OF ST. DAVID'S said, the noble Lord had completely misapprehended the case in hand; the Assistant Bishops the Bill proposed to create would not act on their own independent authority, but would simply exercise certain temporary functions committed to their charge by the Bishop of the diocese. He, however, repeated his objections to endowing these Assistant Bishops with territorial titles which they would never be able to drop. He thought that they should be selected from the higher grades of the clergy.

THE DUKE OF CLEVELAND hoped their Lordships would not stultify themselves by reversing a decision which they had come to after full discussion on a former occasion.

THE EARL OF SHAFTESBURY thought their Lordships should remember that if a rural dean was consecrated by the Archbishop to the office of Suffragan Bishop he would remain a Bishop for ever, his episcopal functions could never be taken from him. He could not help thinking that if these titular Bishops were greatly multiplied, in times of excitement an impetus would be given to the movement in favour of what were called "free churches."

LORD CRANWORTH pointed out that the Suffragan Bishop appointed by the Bill would be unable to exercise any episcopal functions except under the authority of the Bishop in whose see he was appointed.

THE ARCHBISHOP OF CANTERBURY thought that no apprehension need be entertained that the Assistant Bishops would have more power than it was necessary for them to have.

THE EARL OF SHAFTESBURY insisted that the Suffragan Bishops could continue to minister in spiritual things.

After some discussion, which was inaudible, Amendment *negatived*.

On the Motion of the Bishop of LONDON, the words "other dignitaries" were inserted, and—

On Motion, that the Clause, as amended, stand part of the Bill,

THE EARL OF ELLENBOROUGH suggested a postponement. It was evident, after the desultory character of the con-

versation which had just taken place, that the clause had not received sufficient consideration, and moved to leave out the clause.

LORD STANLEY OF ALDERLEY objected to the postponement suggested by the noble Earl.

EARL STANHOPE thought that it would be advisable to omit the remaining portions of the Bill. The measure was originally intended to give assistance to aged or infirm Bishops, but it had now assumed a magnitude which, he believed, would necessitate its re-consideration.

THE BISHOP OF CARLISLE thought that the subject of the clause was of the greatest importance, and ought not to be disposed of in a hasty manner. He did not object to the appointment of Suffragan Bishops, but he did object to the proposition before the House, for the question was a grave constitutional question, and one which, if touched at all, ought to be dealt with by Her Majesty's Government. There were two schemes before the public for the increase of the episcopate. One was reasonable; it proposed to relieve the over-worked Bishops of Lincoln and London, and possibly of Exeter, by the creation of sees cut off from their too populous dioceses. The other was revolutionary; its aim was the subdivision of all the dioceses of England and Wales into three and four dioceses each, coupled with the election of the Bishops. The latter scheme it was obvious involved of necessity the removal of Bishops from Parliament. The present Bill was for the appointment of Suffragans in any see—and not one only, for the number was unlimited—and while there were at present twenty-four or twenty-six Bishops sitting in the House of Lords, there might under this Bill be 100 Bishops who would have no seats in the House, and would be receiving greatly reduced incomes. He was afraid their Lordships were lending themselves unconsciously to the revolutionary party, to whose plans he had just alluded. He would tell their Lordships what had occurred lately at Leeds. A meeting of the partizans of this scheme had been held. It was first decided that Leeds should be the seat of a new bishopric. The towns of Halifax, Huddersfield and Dewsbury, determined not to be left behind, also came to the conclusion that it would be desirable that they should be the seats of new sees. Then the question arose, what was to become of the Bishop of

Ripon? "Make him Archbishop," was the reply. "What," it was next asked, "was to become of the present Primate of England, the Archbishop of York?" The reply was, "Oh, make him Patriarch." This might be ludicrous; but he had been informed that what he had just narrated had actually taken place. He need scarcely point out to their Lordships the necessity of being on their guard against persons holding such extreme opinions. He trusted that the proposition of the noble Earl (the Earl of Ellenborough) would be acceded to, and then the clause would be held over for further consideration.

LORD LYTTTELTON deprecated the idea that the clause had been hastily prepared, and pointed out that all the terrible consequences it was suggested as likely to arise from the clause would be guarded against by the proviso that the Suffragan Bishops should only be appointed if Her Majesty thought fit.

On Question, That the said Clause stand Part of the Bill? their Lordships *divided*:—Contents 20; Not-Contents 23: Majority 3.

CONTENTS.

Canterbury, Archp.	Llandaff, Bp.
Cleveland, D.	London, Bp.
Airlie, E.	Brodrick, L. (V. Middleton.)
Devon, E.	Churchill, L.
Grey, E.	Foxford, L. (E. Lime- rick.)
Nelson, E. [Teller.]	Hartismere, L. (L. Henniker.)
Romney, E.	Heytesbury, L.
Ely, Bp.	Lyttelton, L. [Teller.]
Gloucester and Bristol, Bp.	Seaton, L.
Lincoln, Bp.	Stanley of Alderley, L.

NOT-CONTENTS.

Chelmsford, L. (L. Chancellor.)	Halifax, V.
Buckingham and Chandos, D.	Carlisle, Bp.
Marlborough, D.	Chester, Bp.
Bristol, M.	Lichfield, Bp.
Beauchamp, E.	Oxford, Bp.
De Grey, E.	St. David's Bp.
Ellenborough, E.	Churston, L.
Malmesbury, E.	Foley, L. [Teller.]
Powis, E.	Overstone, L.
Shaftesbury, E.	Portman, L.
Stanhope, E.	Redesdale, L. [Teller.]
	Silchester, L. (E. Long- ford.)

Clause *struck out*.

The Bishop of Carlisle

Then the dependent Clauses 14, 15, 16, 17, *struck out*.

Bill to be read 3^a *To-morrow*; and to be *printed* as amended. (No. 129.)

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 3, 1867.

MINUTES.]—SELECT COMMITTEE—On Malt Tax, Colonel Duncombe *added*.

SUPPLY—considered in Committee—Resolutions [May 31] *reported*.

PUBLIC BILLS—Resolutions in Committee—Public Records (Ireland) [Salaries, &c.]; Linen and other Manufactures (Ireland); Pawnbroking. *Resolution reported*—Metropolitan Police [Salary of Receiver].

Ordered—Real Estate Charges Act Amendment*; Pawnbroking*; Dogs Regulation (Ireland) Act (1865) Amendment*; Linen and other Manufactures (Ireland)*.

First Reading—Real Estate Charges Act Amendment* [181]; Pawnbroking* [182]; Linen and other Manufactures (Ireland)* [183]; Dogs Regulation (Ireland) Act (1865) Amendment* [184].

Second Reading—Galway Harbour (Composition of Debt)* [137].

Committee—Representation of the People [79] [Clause 9] [R.P.]; (£1,700,000) Exchequer Bonds*; Consolidated Fund (£14,000,000)*; Metropolitan Police* [171]; Houses of Parliament (*re-comm.*)* [170]; Courts of Law Officers (Ireland)* [145]; Public Health (Scotland)* [89]; Public Works Loans* [172]; Limerick Harbour (Composition of Debt) (*re-comm.*)* [176]; Court of Chancery (Ireland)* [47].

Report—(£1,700,000) Exchequer Bonds*; Consolidated Fund (£14,000,000)*; Metropolitan Police* [171]; Houses of Parliament (*re-comm.*)* [170]; Courts of Law Officers (Ireland)* [145 & 178]; Public Health (Scotland)* [89 & 179]; Public Works Loans* [172]; Limerick Harbour (Composition of Debt) (*re-comm.*)* [176]; Court of Chancery (Ireland)* [47 & 180].

Withdrawn—Brown's Charity* [142].

THE SHIP "NORTH."—QUESTION.

MR. KNATCHBULL - HUGESSEN said, he wished to ask the Vice President of the Board of Trade, Whether the Report of the Commissioner appointed to inquire into the case of the ship *North* has yet been received by the Board of Trade; and, if so, whether he will communicate such Report to the House?

MR. STEPHEN CAVE, in reply, stated that the Report of the Commissioner appointed to inquire into the case of the ship *North* had not yet been received by the Board of Trade. He expected, however, that it would be received very shortly, and he should lose no time in placing it upon the table of the House.

THE RITUAL COMMISSION.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for the Home Department, Whether, since the appointment of names which are avowedly identified with the encouragement of Ritualistic practices upon the Commission to inquire into the conduct of Church Services would tend to discredit the moral force of its decisions in the mind of the public, it would not be desirable, in order to secure the greatest possible confidence in the constitution of that Commission, to communicate the names intended to compose it to Parliament previous to their final appointment?

MR. GATHORNE HARDY, in reply, said, it appeared to him that it would not conduce to the benefit of the public in any way that the names of the Commissioners appointed to advise Her Majesty should be laid on the table of the House for discussion; and therefore it was not intended in this case to produce them.

ARMY—RECRUITING.—QUESTION.

COLONEL HAMLYN FANE said, he would beg to ask the Secretary of State for War, Whether, with reference to the Camps of Aldershot, Colchester, &c., it is his intention to carry into effect that part of the Recruiting Commission which recommends—

“That when the drill season is over the troops should be dispersed throughout the country that they may be seen by and mix with the masses of their countrymen and act as recruiting centres during the winter?”

SIR JOHN PAKINGTON: In reply to the Question, Sir, I have to say that I am now waiting for the receipt of the Returns as to the nature of the barrack accommodation in various parts of the country, and I shall therefore feel obliged if my hon. and gallant Friend will be kind enough to repeat his Question on a future day. But I will take this opportunity to reply to several inquiries as to the time when the Army Estimates would be brought for-

ward. I hope to be able to bring forward the regular Army Estimates on Thursday next. I beg also to give notice that I shall move Votes 13 and 14 first, on account of their very great importance.

NAVY—CORPORAL PUNISHMENT OF NAVAL CADETS.—QUESTION.

MR. BASS said, he would beg to ask the First Lord of the Admiralty, If it be true, as has been asserted in the *Hants Telegraph*, that Corporal Punishment for Naval Cadets has been revived on board the training ship *Britannia*; and, if so, whether it has been sanctioned by the Admiralty, and under the authority of what statute?

MR. CORRY replied, that he wished to remark, in the first instance, that the corporal punishment referred to by the hon. Member was not of the kind authorized by the Mutiny Act, but simply flogging with a birch rod—a punishment with which most hon. Members who had been to a public school were tolerably familiar. That punishment was inflicted under the authority of a Board Minute passed on the 16th of November, 1858. In that year four cadets on board the *Illustrious*, which was then the school ship, were guilty of gross misconduct, which would have subjected them, or, at all events, the ringleaders, to dismissal from the service; but it was suggested that the milder punishment of birching should be substituted. Accordingly, the following Minute was made, and it still continued in force:—

“Their Lordships are of opinion that young gentlemen in the *Illustrious* must be regarded as in training for their future profession, analogous in many respects to the period passed by other young gentlemen at a public school, and only preparatory to taking their position as officers in sea-going ships, and that they therefore will hereafter intrust the Captain of the *Illustrious* with the power of inflicting corporal punishment with a birch rod in such cases as he may think deserving of it, such punishment being inflicted in the school-room in presence of the other cadets, and at least two officers of the ship, and every case of such punishment, with the offence which led to it, to be reported to their Lordships.”

There had not been a single instance in which it was proved that the power thus given had been abused.

MR. SERJEANT GASELEE said, he wished to ask what was the age of the cadets?

MR. CORRY said, the boys were qualified for admission between twelve and fourteen years of age and they remained

on board the *Britannia* eleven months. Consequently, some of them might be fourteen years and eleven months old, and a few still older, because if a boy failed to pass the examination he might go up to be examined a second time.

IRELAND—CURRAGH OF KILDARE.

QUESTION.

LORD OTHO FITZGERALD said, he wished to ask the Chief Secretary for Ireland, Whether the Government intend to take any steps with reference to bringing in a Bill for the better management of the Curragh of Kildare; and, also, if he will lay upon the table of the House the Report of the Commission which was appointed to inquire into that subject last year?

LORD NAAS, in reply, said, the Government intended to introduce a Bill for the better management of the Curragh of Kildare if it were found that there was a prospect of carrying it this Session. If the Bill were introduced, the Report of the Commission appointed last year to inquire into the subject would be laid upon the table of the House.

PORTUGAL—TREATY OF COMMERCE.

QUESTION.

MR. AKROYD said, he would beg to ask the Secretary of State for Foreign affairs, If the negotiation of a Treaty of Commerce with the Portuguese Government is still pending; and if he has received any further Communication from that Government since the 26th of March, when he replied to a similar Question; if he has any objection to lay upon the table the Correspondence upon the subject, and the conditions insisted upon by the Portuguese Government, which, according to the statement of the noble Lord, would amount to the total abolition of the alcoholic test as applied to wines; and, whether he is aware that a Treaty of Commerce has recently been concluded between the Portuguese and French Governments, admitting French goods on more favourable terms than heretofore, and thus to the competitive disadvantage of the British manufacturer?

LORD STANLEY: In answer, Sir, to the Question of the hon. Member, I beg to state that negotiations intended to lead to a Treaty of Commerce have taken place between the English and Portuguese Governments. When I answered a similar

Mr. Corry

Question which the hon. Member put to me on the subject about six weeks ago, I expressed regret that the negotiations had been, as in fact they then were, broken off. But since that time the Portuguese Government have expressed a desire to renew them, and Her Majesty's Government, of course, placed no obstacle in the way. Propositions have been received from the Portuguese Government, and are now under the consideration of the Board of Trade. With regard to the second part of the Question, as to the production of the Correspondence, I have to state that when, at the request of an hon. Gentleman, I undertook to lay it upon the table, I did so on the assumption that the negotiations were at an end. Since that time, however, the Portuguese Government have addressed to me a very earnest request that, as negotiations were now renewed, the production of the Correspondence might be deferred, and as that is the usual course followed under such circumstances, I have undertaken to comply with that request. With regard to the third part of the Question, as to whether I am aware that a Treaty of Commerce has recently been concluded between the Portuguese and French Governments, admitting French goods on more favourable terms than heretofore, to the competitive disadvantage of the British manufacturer, I have to state that I am aware that that is the case; but inasmuch as that has been done in return for certain special concessions granted by the Government of France, the existing treaties between England and Portugal do not give us any right to protest or complain on that account.

REGISTRATION OF NEWSPAPERS.

QUESTION.

MR. CRAUFURD said, he wished to ask Mr. Attorney General, Whether his attention has been called to a decision recently given in the Southwark County Court of Surrey, in the case of *Baxter v. Freeman*, in which the Plaintiff having claimed payment for the insertion of advertisements in twenty-three different newspapers, was non-suited by the Judge, after consultation with the Board of Inland Revenue, on the ground that only two of the whole number of newspapers had complied with the Registration and Security Laws; and, whether the Attorney General has advised the Board of Inland Re-

venue that the Plaintiff in the above case had no right of action?

THE ATTORNEY GENERAL replied, that his attention had not been called to the case until the hon. Member had placed his Question on the Paper. On inquiry at the Inland Revenue Office he found that no communication had been made between the Judge of the County Court and the Board of Inland Revenue; but it appeared that the solicitor to the defendant in the action searched in the Office for information as to the papers being registered, and made inquiries for himself as to how many papers had been registered, and how many had not. No other communication of any kind had taken place between the parties to that action and the Board of Inland Revenue. It is not in a general way usual to say whether the Attorney General had been consulted by a Department; but of course it followed from what he had already stated that no advice was given by him in the present instance.

ARMY—THE SNIDER AMMUNITION. QUESTION.

MR. MONSELL said, he would beg to ask the Secretary of State for War, Whether any reply has been received from Colonel Boxer to General Hay's remarks on the Snider ammunition; and, if so, whether that Reply is satisfactory, and whether it will be presented to the House?

SIR JOHN PAKINGTON said, that a reply had been received from Colonel Boxer to General Hay's remarks on the Snider ammunition, and that that reply was regarded by the War Office as quite satisfactory; but, nevertheless, in order to remove any objection on the part of General Hay a change had been made in the ammunition of the Snider guns, and he believed that General Hay thought that change a satisfactory one. He could not consent to lay General Hay's reply upon the table.

POSTAL—INDIA AND CHINA MAILS. QUESTION.

MR. CHILDERS said, he wished to ask the Secretary to the Treasury, Whether any overtures have been made to the French Post Office, with a view to render the French Mail Service to India and China more available for the purposes of this Country, under the new system of postal communication, as recommended by the Committee of last Session?

MR. HUNT replied that forms of tender had been sent out, and it was hoped that the Société Impériale might be induced to make an offer.

MR. CHILDERS said, his Question was whether any communications had been made to the French Government on the subject?

MR. HUNT said, the course which had been adopted was the only one which could be taken under the circumstances.

SOUTH AUSTRALIA—MR. JUSTICE BOOTHBY.—QUESTION.

MR. CHILDERS said, he wished to ask the Under Secretary of State for the Colonies, Whether the Secretary of State for the Colonies has been able to advise Her Majesty on the subject of the Petitions addressed to Her in June 1866 by both Houses of the Legislature of South Australia praying Her to remove Mr. Justice Boothby from his office of Judge of the Supreme Court of South Australia; whether the Secretary of State has been advised that the Statute of the fourth of George the Fourth, under which the Judges of the Australian Supreme Courts can be removed from office at the will of the Crown is still in force, notwithstanding the provisions of the Constitutional Acts of those Colonies purporting to make those Judges removable only on an Address from both Houses of the Colonial Legislature; and, if so, whether he will introduce a Bill to give effect to the intention of the Constitutional Acts; and, whether he will lay upon the table Papers on these subjects?

MR. ADDERLEY said, in reply, that with respect to petitions from both Houses of the Legislature of South Australia addressed to Her Majesty in June, 1866, praying for the removal of Mr. Justice Boothby from the office of Judge of the Supreme Court of South Australia, Her Majesty had been advised to refer them to the Judicial Committee of Privy Council, and they had been so referred. It was obviously right to make that reference, because despatches accompanied the petitions, and statements were made which required judicial investigation. There was a petition for the removal of the same Judge in 1862, and it was found on investigation that one of the allegations it contained was unfounded. The Statute of 4 Geo. IV., under which the Judges of the Australian Supreme Courts of New South Wales and Van Diemen's Land could be

removed from office at the will of the Crown, did not apply to South Australia; but the Act for South Australia enabled Her Majesty to remove Judges upon the petition of both Houses of the Legislature; and it was under that Act that the present proceedings were taken. The papers contained *ex parte* statements, and while the matter was *sub judice* it would be better not to publish them. The Act of *Geo. III.*, called Burke's Act, remains unrepealed, empowering the Queen to dismiss a Colonial Judge. He was not aware whether there was any Correspondence on the state of the law, but he would make inquiry. No Bill seems desirable for giving effect to the Constitutional Acts. The Imperial Acts, 18 & 19 *Vict. c. 54* and *55*, the Act of 9 *Geo. IV. c. 83*, so far as it is repugnant to the Constitutional Acts, is declared to be repealed. Practically the Judges hold during good behaviour, but are removable by the Crown on addresses from both Colonial Houses of Parliament.

STATE OF MEXICO.—QUESTION.

MR. BUTLER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has any information from Mexico with reference to the report that the Emperor Maximilian had been shot?

LORD STANLEY: No, Sir, I have no authentic information on the subject. Indeed, I know nothing more than what has appeared in the papers. I think it probable, considering the condition the country is in, that the despatches intended for the English Foreign Office have either been intercepted, or, from the danger of their being intercepted, it has been thought inexpedient to forward them.

THE ECCLESIASTICAL TITLES ACT COMMITTEE.—QUESTION.

MR. NEWDEGATE said, he would beg to ask Mr. Chancellor of the Exchequer a Question, of which he had not been able to give him notice, respecting the appointment of the Committee on the Ecclesiastical Titles Act. The Notice on this subject had twice been dropped, and he had hoped that it would not be again brought forward; but he found that it was again on the Notice Paper, and he appealed to the Chancellor of the Exchequer to exert his influence on the hon. Member for Meath (Mr. MacEvoy), not to press the

Mr. Adderley

subject. The right hon. Gentleman (Mr. Walpole) was absent and not likely to attend the Committee, and the Committee itself, as nominated, might be considered as packed, for it contained a majority of Members who were anxious for the repeal of the Act. That Act was confined to England and Scotland, and it was only late the other night that it had been treated as an Irish question. ["Order!"] He begged to move the adjournment of the House.

MR. SPEAKER said, that the hon. Gentleman might ask the Question, but was not entitled to enter into the consideration of the construction of the Committee.

MR. NEWDEGATE said, he would then ask, whether Mr. Chancellor of the Exchequer would endeavour to induce the hon. Member for Meath not to proceed with his Motion?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have no further influence with the hon. Member for Meath than I have with every Member of this House, and which is the result of the courtesy which I trust will always subsist between me and every Member. I was not at all aware that the question on which the hon. Member for Meath has moved for a Committee was a question which interested only a portion of Her Majesty's dominions. I thought that for other reasons it was for the public advantage that a Select Committee should be granted on the subject. With regard to the Members of the Committee, the hon. Member for North Warwickshire will, I hope, do me the justice to remember that when he called my attention to the names, without giving any opinion as to whether they were competent to conduct the inquiry in a manner satisfactory to the House, upon my hon. Friend expressing a strong opinion that a responsible Member of the Government ought to be on the Committee, I assented to the suggestion and requested a Colleague in the Cabinet (Mr. Walpole) to be a member; and not only that, but the hon. Member having intimated that only one responsible Minister should be appointed, I also requested my right hon. and learned Friend, the Judge Advocate, to sit upon it. Therefore I think the hon. Member for North Warwickshire cannot charge me with any indifference to his wishes or any want of interest in the formation of that Committee. I think it would be admitted by all impartial persons that the addition of those two Ministers to

the Committee will give it that additional weight of character which the hon. Member seemed to desire. I think that any communication from my right hon. Friend the Member for the University of Cambridge (Mr. Walpole) that he cannot attend the Committee cannot be of a date very recent, for he will leave Balmoral to-morrow, and on returning to town he will no doubt resume his duties, and will be prepared to discharge that part of his duty which refers to this Committee. I should think it great presumption on my part if I possessed any influence, which I do not, with the hon. Member for Meath to ask him to withdraw what he believes to be for the public advantage, and which Her Majesty's Government have assented to. Therefore, I think, matters must take their course. I think that when a Committee is moved for and the appointment of it has been assented to by the Government, the House will receive the Motion with its accustomed courtesy. Of course, I do not question the propriety of any hon. Member who may consider it improperly appointed challenging every name; but I hope that if that course is taken it will be taken with no sinister purpose of defeating the object of the Committee, but in order that the fair criticism which Parliamentary custom permits may result in the appointment of a Committee which shall command the confidence of the House.

THE DANUBIAN PRINCIPALITIES—
PERSECUTION OF JEWS.
QUESTION.

MR. LAYARD said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has felt it is duty to make any remonstrances to the Government of the Danubian Principalities on the subject of the gross ill treatment to which the Jews in that country have been subjected; and whether the persecution of them has been stopped?

LORD STANLEY: A report from many members of the Jewish community in this country having been received as to gross outrages and acts of persecution endured by their nation in the Principalities, and these communications being, as I have reason to believe, in the main well founded, I have thought it my duty to telegraph to the British Consul at Bucharest, instructing him—the matter being one not of policy, but of simple humanity—to make

a representation in strong, but friendly terms, on the subject. This, I understand, he has done, and I hope the result may be beneficial to those in whose behalf we have interfered.

THE ECCLESIASTICAL TITLES ACT
COMMITTEE.—QUESTION.

MR. VANCE said, he would beg to ask Mr. Chancellor of the Exchequer, inasmuch as it is well known that the Government and the hon. Member for Meath (Mr. MacEvoy) have concurred with regard to the appointment of the Committee on this Act, inasmuch as it is known that the composition of the Committee is unsatisfactory, and as it is invidious to object to anybody—[“Order”]—whether Mr. Chancellor of the Exchequer will have any objection to allow a Minister of the Crown to confer with the hon. Member for Meath with a view to the alteration of the constitution of the Committee so as to make it satisfactory to the House?

THE CHANCELLOR OF THE EXCHEQUER: I trust, Sir, that the hon. Member for Meath and my hon. Friend the Member for Armagh are too much men of the world to wish to have an unnecessary wrangle, and that they will therefore, as men of the world, take every possible means of preventing any consequence of that kind. Very few Committees are appointed without a conference between the principal promoters of them and the Government. It is our duty to take such steps as will lead to the appointment of a Committee which will give general satisfaction. In like manner, if the hon. Member for Meath and my hon. Friend will meet together I have no doubt that they will in friendly conversation—which I know is more friendly in the lobbies than it is in the House—come to some amicable arrangement. If they cannot do so, or if their mutual representatives cannot, of course the House must decide in an impartial manner who are the proper persons to serve on the Committee. But I recommend mutual concession and conciliation as the best means of arriving at a complete understanding upon this subject, and I still express a hope that in the manner usually adopted by Members of this House who are men of the world, we may have such a selection of names as may make it unnecessary to submit to the House the name of every Member of the Committee.

MR. MACVOY begged to say that he should be only too happy to accede to any reasonable proposition which the hon. Member for Armagh (Mr. Vance) might make; but as yet the hon. Member had made no suggestion, and he was therefore quite unable to say whether he could meet the views of the hon. Member.

COLONEL STUART KNOX: Will you put off the Committee from to-night?

MR. MACVOY said, he must decline to do so. He had followed the usual course in placing on the Notice Paper the names of Members to serve on the Committee; but he was still quite willing to consider any proposition which might be made on the subject.

THE CRETAN INSURRECTION.

QUESTION.

MR. GREGORY: As I see the noble Lord the Secretary of State for Foreign Affairs in his place, I venture to put a question to him, although I have not given notice to him. I have seen in foreign and English journals a statement to the effect that the Great Powers, including England, had agreed to a joint note to Turkey on the subject of the desolating war in Crete, and I wish to ask him whether there is any truth in that statement?

LORD STANLEY: No, Sir, I have not joined in any such note.

REPRESENTATION OF THE PEOPLE (SCOTLAND) BILL.—QUESTION.

MR. MONCREIFF: I wish, Sir, to ask a Question of the right hon. Gentleman the Chancellor of the Exchequer with regard to the Scotch Reform Bill. I take it for granted that it will not be proceeded with on Thursday, although it stands on the Orders for that day, and perhaps it will be as well if the right hon. Gentleman will tell us what course he intends to pursue?

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman is doubtless aware, from a statement I have previously made, that I do not intend to make any further progress with the Scotch Reform Bill, until we have concluded the Committee on the English Bill, and I intend to adhere to that determination.

PARLIAMENTARY REFORM— REPRESENTATION OF THE PEOPLE BILL.—[BILL 79.]

(Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Secretary Lord Stanley.)

COMMITTEE. [PROGRESS MAY 31.]

Bill considered in Committee.

(In the Committee.)

Clause 9 (Certain Boroughs to return one Member only).

MR. SERJEANT GASELEE said, as the House had accepted by a large majority one part of his proposal, he rose now to offer to its consideration the second part. He confessed his sorrow that, owing to circumstances over which he had no control, and to which he need not further advert, the part should have been put before the House, and that by the Motion of the hon. Member for Wick, to whom he should not further allude, the second part of his proposal should have been put as the first. The remainder of the proposal which he begged now to submit was—

“That every borough which had a less population than 5,000 at the last census shall cease to return any Member to serve in Parliament.”

The question was one which, though small in itself, was of importance in its position and the effect it would have on the Bill. The effect would be that ten boroughs, part of them already mulcted, returning fifteen Members in the whole, but now, after the diminution made by the House, for the future to return only ten, should be disfranchised. When he mentioned the fact that those ten boroughs contained a population of only 39,704 persons, with 2,874 voters, it would hardly be believed that an anomaly like this—engrossing so great a part of the representation—should have been allowed to exist so long. These boroughs—and the fact brought to his mind great relief—had been condemned so long ago as 1854. They were by Schedule A of Lord John Russell's Bill to be disfranchised utterly, and they might thank their stars that they had been allowed so long to protract their existence. He did not propose to go into the questions on which the hon. Member for Wick (Mr. Laing) touched the other night—the re-distribution, the cumulative plan, the one vote. He believed that before their proceedings in Committee were finished they would have had enough of those abstruse matters. The case he

should lay before the House was conclusive. The first borough he should mention was Arundel, which had 2,498 inhabitants, and 174 electors. What could anybody say in favour of such a borough? It was distant but twelve miles from Midhurst, ten from Chichester, and eighteen from Horsham, each returning a Member. Therefore he thought he might say that Sussex had an unfair number of representatives. The next was Ashburton, with 3,062 inhabitants, and 350 voters. That was so near to Dartmouth, which he proposed to dispose of next, and to Totnes, which had been disposed of already, that it required no argument to show that it should follow the fate of its companions. He acknowledged the wisdom of the Chancellor of the Exchequer, who, having made up his mind that the two boroughs should be disfranchised, proposed to convey the franchise to the new borough of Torquay. Dartmouth, next on the list, contained 4,444 inhabitants, with 282 voters. The same observations would apply to it. The next was Evesham, which had already lost one of its Members, and he proposed to deal equal justice on the remaining one. It was eleven miles from Tewkesbury. It was within fourteen miles of Worcester, Cheltenham, and Gloucester, and within twenty-two of Droitwich, which was so well represented by the right hon. Gentleman the Secretary at War. It was evident that it could very well be spared by Worcestershire and Gloucestershire. Next was Honiton, with 3,301 inhabitants and 267 voters. Monstrous that such a borough as this should so long have sent two Members. Frightful anomaly! Here he had the happiness of thinking that he should satisfy the hon. Member for Honiton (Mr. Baillie Cochrane), who was not unwilling to be executed, provided the blow did not come from his "own familiar friends." Though he highly respected the hon. Gentleman, there were but few points on which their political opinions were in unison. Honiton was nineteen miles from Bridport, sixteen from Exeter, eighteen from Taunton, and sixteen from Tiverton. Therefore there was no reason why such a population should continue to return even one Member. He now came to Lyme, which must be condemned for ever. The only surprise was how on earth they could ever have had a Member. It had 3,215 inhabitants, with 249 voters. It was eight miles from Bridport, twenty-nine from Exeter, and twenty-two from Tiverton.

Therefore it should follow the fate of the rest. Marlborough was one of those on which the House had already passed judgment, by depriving it of one Member. He asked it now to do equal justice, and to pass judgment on the other. It had a population of 4,893, and 275 voters. No doubt its interests would not suffer from the proposed disfranchisement. The right hon. Member for Calne (Mr. Lowe), which was only thirteen miles distant, had but few constituents, and he would not refuse to render it his powerful assistance. He now came to Northallerton, which had 4,755 inhabitants and 442 voters. No doubt the Member for that unhappy place would tell them that it had by this time increased to 5,000. But they must draw a line somewhere. As it had not 5,000 at the Census of 1861, it must go also. It was within ten miles of Richmond, the Member for which place would have so little to do that he could very well assist the others. He asked the House to pass judgment on it. Then there was Thetford, from which the House had already taken one Member, with 4,208 inhabitants and 224 voters. He could not conceive any reason why Thetford should any longer continue to exist. It was within thirteen miles of Bury—that excused him for having buried it—and within twenty-nine of Norwich. The last borough was Wells, from which also they had already taken one Member. He asked the House to take away the other. It had 274 voters, with a population of 4,648. It was within sixteen miles of Frome, eighteen of Bath, seventeen of Bristol, and twenty-one of Bridgwater. He was now happy to say he had finished his disagreeable task. He had the pleasure of conferring on the Chancellor of the Exchequer ten seats, besides the five already taken away by the first part of his proposal to which the House agreed on Friday. He now tendered the right hon. Gentleman ten more. He had heard the right hon. Gentleman's speech of Friday with great pleasure, except as to the anomalies. He rejoiced to find that the right hon. Gentleman swept away the toys which seemed to have taken the fancy of the House. Cumulative voting, giving three Members, representation of minorities, and the like theories, however they might amuse philosophers, could never be brought into practical use. He recalled to himself the time when the right hon. Gentleman stood as Radical candidate for Marylebone, and he

hoped, from the way in which he had carried this Bill through the House, that he was coming back to his former love—that, though he had been in bad company so long, he had not been contaminated in his political views. He regarded the right hon. Gentleman as the apostle of liberty, and hoped that he was about to return to his former Friends. But when the right hon. Gentleman said we must still retain a few anomalies, he could not follow him in his skilful argument. The Chancellor of the Exchequer was followed on Friday last by the right hon. Member for South Lancashire (Mr. Gladstone), who demolished his arguments upon the anomalies. He viewed with satisfaction the return of the right hon. Member for South Lancashire (Mr. Gladstone) to Liberal opinions, and having most unwillingly on certain occasions declined to follow that right hon. Gentleman in his retrograde course, he rejoiced that, after his speech of Friday last, he could once more declare himself his humble follower. The Chancellor of the Exchequer had said that the principle of the Bill was this—to do only what was necessary and what would satisfy. Who did the right hon. Gentleman think were satisfied by his re-distribution of seats? Had he satisfied those hon. Members behind him, who had abused him more than the Liberal Members had? Had the right hon. Gentleman satisfied himself? He had given the House a Bill that was far more Liberal than he (Mr. Serjeant Gaselee) had ever expected to see, and was he satisfied to mar the whole effect of his Bill by a re-distribution which was weak and futile beyond description? Did the right hon. Gentleman think he had done enough? Had he considered whether he should satisfy Kensington and Chelsea, whom he did not attempt to enfranchise, with their population of 133,000? Did he think he should satisfy Acreington with its population of 39,000, Doncaster with 18,000, Harrowgate, which was included in the Bill of 1859, and which was looking with jealousy on Knaresborough, which was close by and was represented; or Gosport, with its 22,000 inhabitants, which was looking at its neighbour, Portsmouth, represented by two Members? Had he considered that Gosport was the third largest town in the county of Hants, and still unrepresented, while Winchester with 14,000, Christchurch with 9,000, Newport with 8,000, Petersfield with 6,000, Andover with 5,500, or Lymington with

Mr. Serjeant Gaselee

5,100, all in the same county, returned Members? Had he satisfied Salford, which had a population of 102,000 and only one Member? Or Birkenhead with a population of 51,000 and only one Member? Or Paddington with a population of 70,000, and 6,000 voters, but no Member? Had he satisfied Birmingham with a population of 296,000, and which ought to be divided on the same principle as Glasgow? Had he satisfied Bristol with a population of 154,000, Finsbury with a population of 387,000, Lambeth with 294,000, Leeds with 207,000, Liverpool with 443,000, Manchester with 357,000, Marylebone with 436,000—more than Middlesex, which the right hon. Gentleman proposed to divide—Sheffield with 185,000, and Southwark with 193,000—nearly equal to East Surrey, which he proposed to divide? He implored the Chancellor of the Exchequer to recollect that the re-distribution of seats was the most important part of the Bill. He hoped the Chancellor of the Exchequer, after having given a measure so liberal in other respects, would accede to this proposal. He did not wish to fetter the discretion of the right hon. Gentleman—to whom he should be able hereafter to give some few hints—but he would urge him not to lose this glorious opportunity of accepting his Motion, and thereby of passing a measure which would satisfy the people at large, and would put an entire end to agitation, which, however advantageous to those who lived by it, was the curse and bane of the country.

Amendment proposed, at the end of the last Amendment, to add the words,

“And every Borough which had a less population than five thousand at the said Census shall cease to return any Member to serve in Parliament.”—(*Mr. Serjeant Gaselee.*)

Question proposed, “That those words be there added.”

MR. J. GOLDSMID said, he hoped the Committee would pause before they adopted the proposal of his facetious Friend, a large number of whose statements were incorrect, while others were highly exaggerated. [*Mr. Serjeant GASELEE: No, no!*] The Chancellor of the Exchequer had said that his re-distribution scheme was based on the principle of not disfranchising any one centre of representation. This proposal would disfranchise ten. The right hon. Gentleman had also stated that there

would be a difficulty in appropriating the forty-five seats now at their command. This proposal would make the number larger still. He (Mr. Goldsmid) admitted that the small boroughs should have their share in the representation reduced. He announced last Session the willingness of his constituents to make the sacrifice required of them. He himself had then given notice of the very proposal which the hon. and learned Gentleman now claimed as his own—the proposal to take away the second seat from all boroughs with a population of less than 10,000. He could not, however, allow that it was desirable to get rid altogether of these small boroughs. The effect would be to accumulate a large number of Members on a few large towns, and to approximate to electoral districts. The variety of our representation would thus disappear. The hon. and learned Serjeant, with the narrow views in which he indulged, had spoken of him as if he represented only Honiton. They were all Members for the whole country, having duties to discharge towards all their fellow-countrymen. One of the advantages of small boroughs was that their Members had more time to devote to the general interests of the country than the representatives of large places, who had a great deal of correspondence on their hands. If the representation were confined to the great towns the House would become merely an assembly of delegates. Both the late and the present Chancellor of the Exchequer had on former occasions shown the utility of small boroughs. They had returned a long line of distinguished men. The right hon. Gentleman (Mr. Gladstone) first entered the House through that channel. Were this proposal adopted, it would probably be followed a few years hence by a proposal to disfranchise all places with less than 20,000 inhabitants. And thus, as he had already said, the adoption of that course would bring about the system of electoral districts to be found in America which was held by most men of experience to be highly undesirable for us. A Motion like this ought not to emanate from a private Member, having no responsibility—one, too, who had had but little Parliamentary experience or weight, and who did not appear to have any sufficient notion how these seats should be appropriated. The hon. and learned Serjeant, notwithstanding his disclaimer, had been guilty of great inaccuracies; for instance, he had said that Paddington was not represented, whereas

it formed a portion of Marylebone. Again with regard to Chelsea and Kensington, they would, with the extension of the county franchise, form an important part of the constituency of Middlesex. The Committee would, he hoped, not be influenced by a speech so full of mis-statements, but would reject the Motion.

MR. SCHREIBER said, he should move that the proposal of the hon. and learned Serjeant should be so amended as to be applicable only to boroughs at present returning one Member. The five towns of less than 5,000 population, which had at present two Members, and which, by the decision of Friday, had made so large, and he believed so cheerful a contribution to the common good, should be spared a further sacrifice. Against the other five boroughs the hon. and learned Serjeant had made out his case. He looked on their fate as inevitable. It was better to redress such an anomaly now than to leave the subject for future agitation. The boroughs, the cause of which he advocated, were not—with the exception of Honiton—decaying towns. Their population had increased since 1831, and a slight extension of their boundaries would bring them within that valuable class of boroughs with a population of between 5,000 and 10,000, of which there were at present twenty-four, each returning one Member to that House. As a sample of the boroughs of between 5,000 and 10,000 population, he would refer to Calne, Droitwich, Frome, Helston, Horsham, Launceston, Liskeard, Midhurst, Wallingford, Haverfordwest, and Radnor. These had all been connected with the names of Members of more or less distinction. If the plea for mercy to these small boroughs were heard, more than fifty seats would still be placed at the disposal of the Chancellor of the Exchequer, and there would then be sixty-two boroughs between 5,000 and 10,000 returning one Member. The existence of these, if they continued to elect good men to represent them, might always be defended on grounds of public utility. He had no personal prejudices on behalf of small constituencies. He was indebted for his seat to the favour of one of the largest towns, returning only one Member to that House. He had had to fight his way into Parliament; and in his opinion it would not be a bad thing for the Conservative party when more of them had to do the same. He moved as an Amendment upon the Amendment of the hon. and learned Member to insert after the

word "borough" the words "at present returning one Member and."

Amendment proposed to the said proposed Amendment, to insert, after the word "Borough," the words "at present returning one Member and." — (*Mr. Schreiber.*)

Question proposed, "That those words be there inserted."

SIR LAWRENCE PALK said, that as he had the honour to represent the county from which three of these boroughs were taken, he wished to say a few words in their behalf. No doubt there were anomalies in the Constitution of this country, and if Parliament were about to re-cast the representative system, no one would be in favour of constituting a large number of small boroughs. They had, however, existed from time immemorial, and not altogether without service to the State. The borough of Arundel had this to recommend it, that it was the only English borough which returned a Roman Catholic to Parliament. There was no one who would wish to deprive that large and numerous body of a Member who urged their views and interests so ably as was done by the noble Lord (Lord Edward Howard) who now represented Arundel. The borough of Ashburton might claim one great distinction, for it was the borough that first returned to Parliament the late Lord Lyndhurst. If all the Members were taken from the agricultural boroughs there would be a Parliament of men representing their own opinions, commercial views, and constituencies. They would deprive the agricultural portion of the community of those representatives who had a fair claim to watch over their interests in Parliament. With regard to the enfranchisement of Torquay, he had to thank his hon. Friend (Mr. Butler-Johnstone) for the wise and lucid speech he had made, and for the perfect knowledge of the subject he had displayed. His hon. Friend had, however, made one small error. He described Torquay as a place of residence for those afflicted with pulmonary complaints. Though his hon. Friend thought that these ought to be represented, he said the real electors would be the tradesmen of the town. It was an extraordinary fact that perhaps there were more resident owners in Torquay and the neighbouring parishes than in any other place which had so rapidly risen to notoriety and importance. The electors were a thoroughly independent class. He knew no constituency more likely to send a good

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Member to Parliament than the borough of Torquay. He had presented a petition in support of the Government plan, signed by 931 persons. A great majority of the inhabitants of the future borough were prepared to receive its enfranchisement with gratitude; but if Torquay were to be clogged with Ashburton and Dartmouth they would not desire to be enfranchised. He could not support the Amendment of the hon. and learned Member for Portsmouth (Mr. Serjeant Gaselee) believing that it would be far from working in a satisfactory manner.

MR. CARDWELL said, that he should vote for the Amendment of the hon. and learned Member for Portsmouth (Mr. Serjeant Gaselee) and to reject the qualification which had been proposed by the hon. Member for Cirencester (Mr. Schreiber). He was not surprised that the hon. Baronet had come forward on behalf of the county he so worthily represented, and had objected to the proposal now before the House. But if the hon. Baronet had studied the statistics of the question he would probably be aware that he represented a county which had one Member for every 22,000 of the population. The county with which he (Mr. Cardwell) was connected (Lancashire) had something like one for every 100,000. If the hon. Baronet had read Hallam, he might recollect that that great Constitutional authority described the boroughs in his part of the country as wretched villages, which corruption hardly saves from famine. If the House were going to pass a Reform Bill deserving of the name, they ought not to be deterred by the suggestion of the hon. Baronet from wiping out the reproach of Mr. Hallam. The hon. Member for Honiton (Mr. J. Goldsmid) had intimated that the abolition of these small boroughs would lead by a necessary consequence to the establishment of electoral districts. That was a matter of opinion. It was most desirable to make a permanent settlement of the question of Reform. If they wanted to have an agitation for electoral districts after the passing of the Bill, the best way to secure it would be to leave on the statute book the boroughs affected by the present Motion. If, on the contrary, they wanted to avoid a demand for electoral districts, and to effect a satisfactory settlement, they could not do better than vote for the proposal of his hon. and learned Friend. The boroughs between 10,000 and 20,000 had been referred to, and they had been

warned lest the rising tide of Reform should level them. It appeared to him that that argument told the other way. They should not be content with a smaller number of seats for the purpose of redistribution than the Amendment would give them. If they did not obtain them in the mode which his hon. and learned Friend proposed, they would be obliged to cast about in order to obtain them in some other manner; and it behoved the Members for the boroughs just above 10,000 to consider whether, if this Motion were rejected, some future Motion might not be levelled against them. The hon. Gentleman also said that the Members for large towns were at present overworked, and that they had not sufficient time to attend to public business. He suggested that they should therefore retain the Members for the smaller boroughs. But if that were so it would be more reasonable that they should endeavour to obtain more seats for redistribution in order that they might give additional representatives to those large constituencies whose Members were at present overworked. The hon. Gentleman who moved that extraordinary Amendment to the Amendment said he thought it was right that some of those boroughs should be entirely disfranchised. But he wished that those small boroughs which at present returned two Members should be allowed to retain one of the number. It should be remembered, however, that they were engaged in a great re-settlement of the question of Parliamentary Reform. Could the hon. Member state any reason why Northallerton, with its population of 4,755, should be wholly disfranchised, while Honiton, with its population of 3,301, should be allowed to continue to return one Member? The hon. Gentleman said that the population of those boroughs, although a small, was not a declining, but an increasing population. [Mr. SCHREIBER: With the exception of Honiton.] He would read a number of figures, which would, he thought, show that that statement of the hon. Gentleman was unfounded. In 1861 Honiton contained a population of 3,301; in 1851 it contained 3,427; in 1831 it contained 3,509. In 1861 the borough of Evesham contained a population of 4,680; in 1851 it contained 4,605; in 1831 a population of 3,991. Wells contained in 1861 a population of 4,648; in 1851 it contained 4,736; in 1831 it contained 4,603. Marlborough contained in 1861 a population of 4,893; in 1851 it contained 5,135;

in 1831 it contained 4,186. Those figures showed that in the main these were declining and not increasing boroughs. He next came to what were the real merits of the question. He hoped they should succeed in their appeal to the Government not to resist the present proposal. He had many reasons for entertaining that hope. In the first place, he remembered that when the Bill of 1859 was brought forward by the right hon. Gentleman the Chancellor of the Exchequer, the noble Lord at the head of the Foreign Office (Lord Stanley) admitted that in argument the existence of those boroughs was indefensible; but he said he took a practical view of the question, and he asked what would be the prospect of the success of the measure if it contained a proposal for disfranchising a large number of boroughs? He (Mr. Cardwell) thought that, after the division of Friday night, that practical view of the case had no longer any application, and a great weight was thrown into the opposite scale. There was good reason to believe that the House instead of wishing to adopt a hesitating and faltering proposal, was in earnest in desiring to make a satisfactory settlement of the question, and would support the Government in effecting such a settlement. They had on former occasions heard his right hon. Friend the Member for South Lancashire (Mr. Gladstone) and the right hon. Gentleman the Chancellor of the Exchequer argue in favour of small boroughs; but the argument of his right hon. Friend was in favour of nomination boroughs, which had no longer any existence. He could not forget also that the other evening he had heard the Chancellor of the Exchequer allude to Sudbury and St. Albans as notorious impostures in our representative system. The right hon. Gentleman had also told them that there were two kinds of Reformers, and that the right kind were those who would adapt the Act of 1832 to the circumstances of 1867. The House had just taken an important and decisive step in adapting the Act of 1832 to the circumstances of 1867. The Act of 1832 said that no borough whose population was less than 2,000 should return a Member to Parliament; and that no borough whose population was less than 4,000 should return more than one Member. On Friday night they had, by a large and decisive majority, raised that limit of 4,000 to 10,000. They were now asked to follow that analogy, and to raise

the limit of 2,000 to 5,000. The whole population of those ten boroughs—men, women, and children—did not amount to 40,000. The number of householders who would be capable of being placed on the register under this Bill in Liverpool alone would be 65,000. Could they, then, believe that it would be consistent with common sense to refuse to accept the Amendment of his hon. and learned Friend? The result at which they had already arrived was mainly due to the earnest desire entertained by Members in every quarter of the House that their settlement of the question should have a prospect of permanence. It was only by adopting some such proposal as that then under their consideration that they could hope to accomplish that object.

MR. J. HARDY said, that the population of his borough (Dartmouth) had increased to 4,600; and if he also reckoned the population over the water with the *Britannia* training ship, the number would considerably exceed 5,000; so that the place ought not to be included in the Amendment. He thought that enough had already been conceded, and called upon hon. Members to pause and consider where they were going. If they did not, they might find themselves in a position from which they might not be able to retrace their steps. They had already a sufficient number of seats at their disposal, and he hoped that Her Majesty's Government and the House generally would not assent to further disfranchisement. The representatives of large towns often shrank from serving on Committees—an important part of the duties devolving on the Members of that House. The result arrived at the other night in respect to the partial disfranchisement of all boroughs with a population under 10,000 was enough to satisfy every reasonable mind. The Committee could hardly treat seriously the flippant Motion of the hon. and learned Gentleman. The great principle of the Bill was to have been—no disfranchisement. If it was to be altered in accordance with every suggestion coming from everyone who wished to acquire notoriety, what was to become of that principle? He hoped the Government would do justice to the boroughs, and would offer a decided opposition to the Amendment.

MR. NEVILLE - GRENVILLE said, that the only city in that disfranchising list was the city of Wells, which was the county town of the county which he repre-

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sented. He hoped that they would await the Report of the Boundary Commissioners before so gross an act of injustice was perpetrated as the disfranchisement of that city. The borough of Wells contained a population of only 4,648, but there was excluded from it the whole of one of the parishes; and if that were not so it would contain a population of upwards of 7,000. Let them look at what had taken place in the case of Aylesbury. The town of Aylesbury contained only about 4,000 inhabitants; but the boundaries had been so greatly extended, that the borough of Aylesbury contained a population of 27,000 inhabitants. He did not want the boundaries of Wells to be so greatly enlarged. But he did not think they ought to disfranchise it without a Report from the Boundary Commissioners. In his opinion, the borough population of Wells ought to be something like 15,000.

CAPTAIN HAYTER said, that the speech of his right hon. Friend (Mr. Cardwell) was characterized by what had been so fatal to the Reform Bill of last year—namely, the want of a practical knowledge of facts. If a plan of re-distribution was to be taken in piecemeal from the proposals of private Members he did not see how the Government were to carry the Bill through. In reply to the arguments of the right hon. Gentleman the Member for Oxford (Mr. Cardwell) he wished to draw a comparison, not between one borough and another borough, but between the two counties in which the boroughs which they represented were respectively situate. While Oxfordshire was over-represented, Somersetshire was one of the worst represented counties in the South of England, the number of boroughs being taken into consideration. If they were to adopt the principle of representing counties they could not altogether omit that circumstance from their consideration. If Wells were to be disfranchised the Government would have to put some other Somersetshire borough in its place, and the old represented borough would form the natural head of a new group. If the Government were about to make new Parliamentary boroughs they might consider the question whether they should give a representative to any borough with fewer than 5,000 inhabitants; but that was a different thing from disfranchising Parliamentary boroughs on such a principle as the one laid down by the hon. and learned Member for Portsmouth.

MR. CARDWELL said, that the comparison he had made was between the counties of Devon and Lancaster, and not between Somersetshire and Oxfordshire.

MR. SMOLLETT said, they were getting into a mess about this Reform Bill, and he was not surprised at it. When, at the commencement of the Session, Her Majesty's Ministers introduced a democratic franchise for boroughs it was obvious that in the end they must come to a demand, if not for a large re-distribution of seats, at least for a large curtailment in the number of the towns which sent Members to Parliament. Any one who had not seen that previously to Friday must have been made sensible of it by the decision come to on that occasion. He had voted in the minority on the Motion of the hon. Member for Wick (Mr. Laing), because he dissented from a good many of the arguments which that hon. Gentleman used, and because he entirely disapproved of his re-distribution scheme. To-night he would vote for the Amendment of the hon. and learned Member for Portsmouth, because he thought it followed logically from the decision arrived at by the House on Friday, and because he hoped that if it were carried the Government would depart from their present scheme and bring forward one re-constituted in a different mould. In his judgment this re-modelling of the House of Commons was by far the most important part of Reform. It had never been discussed. It had hardly been alluded to in the beginning of the Session. If a good Bill for re-modelling the House had been agreed upon, they would have heard a great deal less of this democratic measure for bringing the franchise in boroughs down to householders who were just above receiving parochial aid. The upper and middle classes were not enfranchised. This Bill did not enfranchise them. It enfranchised the lower classes. He had always been a Helot living outside the pale of the Constitution. He had never heretofore enjoyed the happy privilege of a vote in any constituency in the British Empire, and this Bill did not enfranchise him. The seats the Amendment would place at the disposal of the House ought to be disposed of in a different manner from that proposed by the hon. and learned Member for Portsmouth. If we had a Cabinet with an assured majority at their back—if we had a Cabinet not living on sufferance, but with a policy of their own, they would take a broad and

deliberate view of this question. A great many places ought to be disfranchised, and Members ought to be given to large towns not now represented, as was proposed to a certain extent in the present Bill. The Ministry ought then to suppress the remaining seats, and diminish the numbers of that House to a considerable extent. The Chancellor of the Exchequer had stated that his great difficulty would be in the re-distribution of seats. If the right hon. Gentleman were to take away a great many seats from small towns, the adoption of the suggestion he had just thrown out would save him from that difficulty. If he remembered the figures rightly, the hon. Member for Wick had proposed to give twenty-six unicorn Members to counties and six to boroughs. That would be a step in the wrong direction. The House ought rather to take away all the unicorn or triangular Members given to counties by the Reform Bill of 1832, and to reduce still further the number of Members in the House. He concurred in the proposal of the hon. and learned Serjeant to take away two Members from the City of London. That constituency had no pretensions from its purity or any other reason to return four Members to the House. One of the chief reasons adduced in favour of reforming the House of Commons was the necessity of improving it as a legislative machine. They were called upon to reform the House because it had, when elected for the most part by £10 householders, come to a standstill in legislation. But what had caused the paralysis of their legislative power? It arose from the immense number of talkers in the House. Since the Reform Bill of 1832 there had been an increase year by year of what might be called "talking potatoes" in the House. There were now 100 or 150 hon. Members who thought they could give information and advice to the Government when any subject, whatever might be its nature, came under discussion. The consequence was that a great impediment had arisen to the conduct of public business. A private Member had no chance of carrying a measure through the House. The remedy for this state of things was to make a large reduction in the number of Members. Such a course was recommended by various reasons. 658 Members were far too numerous a body for deliberative purposes. There was not sufficient room in the House to accommodate so large a number. The consequence was that when a sensational debate came on, or when a

division on an important subject was called for, the scene below the Bar—the crowding, the hustling, and the noise was more like a prize fight or a bear-garden than the House of Commons. Many hon. Members might think this was a new proposal. The right hon. Gentleman the Member for South Lancashire (Mr. Gladstone) might think it “new-fangled,” but it was not. In making this suggestion he was “treading on the lines of the Constitution,” if anybody knew what that meant. A proposal to diminish the number of Members in that House was made by Lord Grey. A similar proposal formed part of the Reform Bill introduced by Lord John Russell in 1831. The original proposal was that forty-one Members should be taken from England, that five should be given to Scotland, and five to Ireland, and that the number of the Members in that House should be reduced by thirty-one. Instead of being received with derision, even in an unreformed and boroughmongering House, that proposal received the support of 291 Members, and was only negatived by a majority of 8 in a House of 600 Members. Earl Grey persuaded His Majesty King William IV. to dissolve the Parliament, and the dissolution accordingly took place on this very question. A cry was raised for “the Bill, the whole Bill, and nothing but the Bill.” A vast majority were returned in favour of the proposition, which, however, was ultimately abandoned by the Ministry. He was astonished at the manner in which the proposal then made with so much favour was now received in the House of Commons.

MR. LAING said, he was most anxious to receive some information from the Government, as it would probably influence him as to the vote he should give. He was disappointed that after the vote of Friday afternoon Her Majesty's Government had not stated to the House the course they intended to pursue. That vote must be taken to establish broadly the fact that the House was determined to carry out a scheme of re-distribution considerably more extensive than that originally proposed by the Government. It might fairly be assumed that the House was disposed to sanction a scheme not less extensive than that proposed in the Government Bill of last year, or the proposal which he had endeavoured to explain to the House. For this purpose something like fifty seats would be required. Of these, twenty-four or twenty-five would be neces-

sary to increase the representation of large cities and boroughs, and twenty-six to put the large English counties on the same footing. Seven seats were not more than was required to satisfy the just claims of Scotland. [*Cries of “Oh, oh!”*] Well, with regard to Scotland, that had been the proposal made by two successive Governments. Therefore, fifty-six or fifty-seven seats would be required to carry out the enfranchising part of the scheme. The House had forty-five seats at its disposal, under the vote which it came to on Friday. There remained, therefore, a balance of twelve or thirteen which would have to be made up. If the opinion of the House were adverse to any increase in the number of its Members the numbers could only be made up either by grouping or by the proposal of the hon. and learned Member for the total disfranchisement of all boroughs below a certain line. He preferred the principle of grouping. He thought it a more Conservative line of procedure not to disfranchise totally any small borough against which delinquency had not been proved. At the same time, the argument drawn by the right hon. Member for the City of Oxford from the analogy of the Reform Bill of 1832 was irresistible. The right hon. Gentleman had contended that that Bill having raised the line to 10,000 and taken away the second Member in all boroughs below it, the House ought now to act in a corresponding manner in regard to the small boroughs. They must either disfranchise below 5,000, or adopt the principle of grouping to an extent that would give the number of Members required. He would be no party to a course the practical result of which would be to leave either the representation of Scotland or the increased representation of the English counties in the lurch. That would be the inevitable result if the House limited itself to forty-five seats, when fifty-six or fifty-seven were required for the purpose of enfranchisement. If the right hon. Gentleman the Chancellor of the Exchequer would declare on the part of the Government that they thought the more Conservative principle would be that there should be no absolute disfranchisement, and that they would adopt the principle of grouping to the extent necessary for obtaining the requisite number of seats, he would vote in accordance with his original feeling on the subject. But if the Government would neither give the House any indication as to where the

seats were to come from, nor state to the House whether its numbers were to be increased, nor adopt any measure by which the representation of the counties might be increased to what was due to population and importance, he should be obliged to vote for the proposal of the hon. and learned Gentleman. If this opportunity were neglected the House would, in all probability, be left in the lurch. He wished to make a few remarks respecting what had fallen on Friday from the hon. and learned Member for Portsmouth. He should be extremely sorry if it were supposed that he had been guilty of wilful discourtesy towards the hon. and learned Member by stealing his thunder and taking out of his hands the Amendment of which he had given notice. When the hon. and learned Member wrote a letter to him on the subject he sought him out and endeavoured to explain what he thought must be obvious to every hon. Member—namely, that the hon. and learned Member's proposal being based on the complete disfranchisement of boroughs up to a certain line, was totally different from his own proposal, which was founded upon the principle of grouping. If he did not succeed in conveying that idea to the hon. and learned Member he was very sorry for it. The present discussion showed that the two proposals were essentially distinct.

MR. SERJEANT GASELEE said, that the hon. Member for Wick, although he had made an apology, seemed to be under some misapprehension with regard to the matter referred to. ["Order!"]

THE CHANCELLOR OF THE EXCHEQUER: Whatever difficulties and differences may arise on this very difficult question of the re-distribution of seats, there is one point upon which both sides of the House may fairly be congratulated, and that is that this question which has always before excited the greatest party opposition, is now considered by the House without any reference to party feeling. I think that is a result we shall be well satisfied with. It is one which, in originally considering the question of Parliamentary Reform, we could only with the greatest difficulty have contemplated. I hope the Government may claim some share in contributing to a condition of affairs and a temper of mind so gratifying. The proposal which Her Majesty's Government brought before the House was a practical and a temperate one. It was brought forward with the view of meeting

all claims of a character which could not be denied, and of making other arrangements, the justice of which no one could question. It was a proposal founded, so far as disfranchisement was concerned, which entailed great sacrifices upon our own political party. The majority of seats, by the proposal contained in the Government Bill, were seats taken from this side of the House, from Members of the party to which we belong. Therefore we came forward with a proposal which will at least free us from those imputations—some unfounded, some made with a certain degree of justice—which, on previous occasions, have been made to every Ministerial proposal, for a re-distribution of seats. That I am sure will be conceded. We were pressed very much to extend that proposal. We could not have done so without departing from the principles we had laid down—which we thought it wise to lay down—when I first addressed the House on this important subject. If we had departed from it—if we had advanced from our own line to the line which the hon. Member for Wick (Mr. Laing) successfully advocated on Friday—we should have been asking for sacrifices in the majority of instances from our political opponents. That is patent to the House. We felt where a measure was absolutely necessary, both sides of the House should make sacrifices to secure its being passed. But having proposed a plan maturely prepared and adequate to the public necessity, we felt that if we proceeded further than we proposed to do we should unnecessarily be attacking the interests of our opponents. This—in the present friendly temper of the House which we desired to cherish—was an influence not without its weight with us. I do not desire that this question should be for a moment mixed up with all those painful controversies which accompanied it in 1832. We have so far succeeded that we have come to the point of considering the question of the re-distribution of seats without making it a party question. The interests of both sides are so mixed up, and it has been treated with so much impartiality, that it will be difficult from this question to elicit anything like a party struggle. I believe there is a fair prospect of our coming to a conclusion which may be advantageous to the country. The hon. Gentleman who has just addressed the House seems to be afraid that I am about to make some proposal which would not do justice to the counties, in the interests of

which he is a champion. He is rather surprised that I did not come down with a proposal which, in consequence of the vote of Friday, Her Majesty's Government would be prepared to recommend with respect to the re-distribution of seats. That would have been a premature proceeding on our part. In the first place, the opinion of the Committee has not been exhausted on this important subject; secondly, we should not have been doing our duty if we came down to the House with any proposal which was not matured in its details. It would not do to come down to the Committee on a Bill like this and propose a certain number of Members for this place and a certain number for that, unless we had gone into mature details, and were at least able to put the Committee in a position in which they might deal with the matter. We had first of all to wait for the final decision of the Committee on this and other points. We had then to consider the consequences of the decisions of the Committee, and to mature our plan accordingly. With regard to the fear of the hon. Member for Wick, that on my part there would be great negligence of the interests of the counties, I can assure him there is no foundation for such a fear. I have placed before the House some details upon this matter which the hon. Member for North Warwickshire (Mr. Newdegate) referred to a night or two ago. He reminded the House very appositely of an important result—namely, of the manner in which the House of Commons has worked for a considerable time with such an unjust division of representation between the boroughs and counties. It is unnecessary to go into details. The population of the counties is 11,500,000; that of the boroughs is 9,500,000. The counties return 162 Members; the boroughs return 334. These figures cannot be too often repeated. But I have pointed out to the House that this state of affairs which at the first blush would seem to render all satisfactory Parliamentary representation utterly impossible, was greatly mitigated and in a great degree remedied by the representation which the county populations obtained from a number of those small boroughs. There were, I said, eighty-four Members of boroughs who might be fairly described as representing the various landed interests. But by the considerable addition proposed by the hon. Member for Wick (Mr. Laing) to the plan of Her Majesty's Ministers,

The Chancellor of the Exchequer

and by the proposal made to-night, if both should be successful you will be diminishing a large proportion of those boroughs which indirectly compensate the counties for their universally admitted inadequate representation as to population and property. Therefore in carrying any satisfactory scheme of re-distribution after the votes which have taken place, or which may take place if the House approve this Motion, the Committee must be prepared for that which the country earnestly wishes—to give a fair and adequate representation to the county populations. We are to be congratulated that now, when the time has arrived when we shall have to perform this office, we shall be called upon to do so under very favourable circumstances on both sides of the House. All those economical controversies, which for a great length of time embittered discussion in this country, have not only ceased, but are almost forgotten. In addition to that, we have this Session, and within a few weeks, almost days, established the county franchise upon a broad and popular basis. Under these circumstances, the Committee will come to the consideration of this question with every advantage. I trust that we shall arrive at an arrangement which will satisfy the hon. Member (Mr. Laing) that we have not forgotten our duty with regard to the county representation. We shall have to consider the distribution of forty-five seats in consequence of the Government proposal added to by the vote of Friday last. We have now to consider the present question. The new proposal is entirely different from that which formed the foundation of the proposal of the hon. Member for Wick. We stated, when we first introduced this Bill, that one of the principles which guided us in the re-distribution of seats which we recommended was that there should be no voters disfranchised. I think that was a sound principle. At the time we introduced it, it was a popular one. I very much doubt whether any proposals larger than those we brought forward would have been tolerated by the House. I have no doubt that if the Committee will consider the present question with impartiality—and I do not doubt it will do so—we may agree to a distribution of seats which will be satisfactory to the country. Whether it was a wise course which was embodied in the Motion of the hon. Member for Wick I do not say; but with respect to the present Motion, it ranks in quite another character.

If the Committee objects to boroughs of small population being represented in this House, it is competent to the Committee to consider whether there are not means of increasing the constituencies, or taking a course like that suggested by the hon. Member for Wick and adopting the principle to which I am partly favourable—that of grouping. I am of opinion that agreement to the Motion of the hon. and learned Member for Portsmouth would not be satisfactory. It is a Motion opposed to the policy under which we solicited the consideration of the House to a distribution of seats. It is unwise that we should totally destroy any centre of representation. It may be well to advocate the scheme in the House, but it would be unwise to accept it. The division the other day upon the Motion of the hon. Member for Wick must satisfy everybody by the numbers, that it is the determination of Parliament to support the course of policy he recommended. It will not be in the power of the House of Commons to say to the Government, in reference to the result of that division, “You have made too large a distribution of seats. You have hurried to a conclusion not founded upon the absolute decision of the House.” I am not, however, of opinion that the House desires entirely to disfranchise any place. I think the opinion of the House is in accordance with the policy first enunciated in this matter by the Government, and under these circumstances I shall oppose the Motion of the hon. and learned Gentleman.

MR. GLADSTONE: I need only detain the Committee for two or three moments. I wish to thank the right hon. Gentleman the Chancellor of the Exchequer for having completely removed from this debate, so far as depends upon him—and much depends upon him—every element of party consideration. We have before us a very plain and simple question. I only wish to define what that question is. The right hon. Gentleman says that he, on the part of the Government, does not think it desirable that there should be a total extinction of any centre of representation. The vote the Committee is called upon to give, should it accede to the Motion of my hon. and learned Friend, would not absolutely rule that question in a sense adverse to the views of the right hon. Gentleman. It would still be open to the right hon. Gentleman on the part of the Government, and it would still remain open to the Committee, after carrying the Motion of my

hon. and learned Friend, to consider whether these boroughs, if deprived of the right of sole representation, should be admitted to share the privileges of borough representation in some other form. I believe I am strictly accurate in saying that the vote which my hon. and learned Friend now asks us to give does not absolutely decide the question of the extinction of any heretofore existing right of borough representation. What we are asked to support is a principle of which I so strongly feel the force that I am ready to accept it, though it may entail the extinction of some of these ancient centres of representation. It is this—that we should have in view the construction of a system bearing the promise of permanence. I am well convinced that we have no chance of securing permanence for the system we are engaged in constructing if we leave the right of distinct individual Parliamentary representation in the hands of communities so small that those whom they send to Parliament would represent no sensible portion of the public opinion of the country. What the present Parliament expects from its Members, and what the coming Parliament will still more expect from them, is and will be, that when they rise in their places to advise the House on questions of public interest they shall be able to describe to the House what view is taken upon those questions by the communities they represent. With regard to these very small towns, to quote their opinion with reference to the public questions of interest here decided would be entirely out of place. It is to this principle we look in order to give solidity to the basis of the representation. We do not think that this principle can be satisfied without some such measure as that of my hon. and learned Friend. I trust, therefore, that upon this and other grounds the Committee will be disposed to give a vote which I think the right hon. Gentleman will feel is no more than the natural, if not the necessary, supplement of the vote at which this House arrived on Friday.

MR. NEWDEGATE said, there were not seats enough vacated in prospect by the decision of the Committee to provide the additional seats for Scotland. If he voted against the hon. and learned Member for Portsmouth (Mr. Serjeant Gaselee) he should bring himself in conflict with the hon. Member for Wick (Mr. Laing), and all the Members for Scotland. There would not, if the Amendment were re-

jected, be seats enough vacant to provide the addition to the county representation which the late Government recommended by their Bill, and also the additional seats which the present Government, wisely and properly, intended to give to Scotland. Having voted in support of the Bill introduced by Lord John Russell and Sir James Graham in 1854 he would support the Motion of the hon. and learned Member for Portsmouth.

MR. SCHREIBER said, he would withdraw his Amendment, in deference to what seemed to be the general wish of the House. He should vote against the Amendment of the hon. and learned Member for Portsmouth.

Amendment to the proposed Amendment, by leave, *withdrawn*.

Original Question put, "That those words be there added."

The Committee *divided*:—Ayes 217; Noes 269: Majority 52.

CAPTAIN HAYTER said, he rose to propose the enlargement of the boroughs retaining but one Member, so as to make up their population to not less than 10,000. He hoped the right hon. Gentleman the Chancellor of the Exchequer would consent to make this an open question, as there was great danger in extending the suffrage if they did not at the same time extend the area of the boroughs. In many small boroughs, such as his own (Wells), where compound-rating was unknown, household suffrage pure and simple would obtain. Though he agreed that it was desirable that the old centres of representation should continue to exist, if the present narrow areas of those centres were retained they would only lay the ground for a future agitation. It would be argued that they afforded no real expression of public opinion. It would be declared monstrous that places like Salford should have only the same representative power as Honiton, Ashburton, or Dartmouth. The answer to that argument would, of course, be that without these small boroughs every variety of interest and opinion could not be represented. But that argument would have far more weight if they were so enlarged by the addition of neighbouring towns or otherwise, as to include a less inconsiderable population. He hoped, therefore, that his proposal would be received with favour by the Chancellor of the Exchequer, engaged, as he was, on a mea-

sure which they hoped would prove a settlement of the question for at least a generation. He wished by means of these boroughs to effect an equipoise between the two great parties who would continue to share the Government of the country. They would afford a channel by which every variety of interest and opinion would obtain representation. It might be said that if we once admitted the principle that representation depended on numbers, we should arrive at electoral districts. No one could be more opposed to that system than he was. His object was to preserve the existing local centres of representation, and so to enlarge them as to lessen the danger of agitation being directed against them. By this means we should get rid of the jealousy which would naturally be felt in neighbouring towns if their inhabitants saw these boroughs in possession of Parliamentary privileges from which they were themselves excluded. Five or six of these places were decreasing in population. In Knaresborough there had been a decrease of 600, in Honiton of 300, and there had also been a decrease in Ashburton, Arundel, and some other boroughs, so that unless the step which he proposed were taken, their declining population would be made an additional argument for their disfranchisement. His plan was to take the existing boroughs as the nucleus and centre of representation, and to enlarge them by the addition of neighbouring towns till the population reached 8,000 or 10,000. His schedule for this purpose would only extend to twelve or thirteen towns, so that his plan would not materially affect the counties. The electors of the counties were becoming the most important part. This was more especially the case since the reduction of the county franchise, which had gone far to assimilate the borough and the county suffrage. There were about 420,000 of the county electors who, by the provisions of the Bill, would be swamped by from 395,000 to 400,000 additional electors, chiefly from tradesmen and shopkeepers in the small towns—the class of which the borough electors were made up. These were not scattered and isolated individuals—they were collected together in the small towns and would doubtless act together, so that they would be more dangerous than the present class of electors. By his plan they would reduce the urban class of the county electors, they would increase the borough representation, and they

Mr. Newdegate

would get a representation for the small boroughs. There was one other point to which he wished to direct the attention of the Committee. It was proposed to amend the distribution of seats in boroughs, but there was no such proposal of amendment for the counties. Every one knew that, as compared with the North, the South of England was greatly over-represented. But there were great differences between the counties themselves. Take, for instance, the two counties of Hertfordshire and Berkshire. They were about equal in population, 173,000 being the aggregate of either. Berkshire was represented by nine Members:—three for the county; two for Windsor; two for Reading; two for Abingdon and Wallingford. Hertfordshire had but five:—three for the county, and two for the town of Hertford. It was proposed to take one away from Hertford, which would leave this county with only four Members. Yet Hertfordshire was a rapidly increasing county, while Berkshire was decreasing in its population. His proposal was to group Ware along with Hertford. The united towns would contain a population of 11,000, and the population of which would be purely urban, while the county would have its five Members preserved to it. He was far from saying that Berkshire was amongst the most over-represented counties in point of population. The four most over-represented in England were Devon, Dorset, Wiltshire, and Sussex. It was nothing more than a solemn mockery that they should return so many Members. Yet this anomaly was to remain. The northern division of Devonshire had a declining population. The southern division had a declining number of electors. Yet Devonshire, with a population of 500,000, was to be represented as before by twenty-two Members. They had disfranchised Totnes, and proposed to take away one Member from Honiton, yet they gave one Member to Torquay and two to the county, so that Devonshire was just where it was before. While Devonshire had twenty-two Members, Middlesex had eighteen. Somerset had a less population than Devon, but it was increasing rapidly, and was not represented in proportion to Devon. Since the Reform Bill of 1832 it had made enormous strides in population and rental, yet it was one of the least represented counties in the South. It had only eleven Members; Dorset had fourteen. They were not legislating for

party, nor for the Parliament only, but for the people. The question which would be asked was—were they really in earnest in their schemes for the re-distribution of seats? The first argument would be against these small boroughs. They must have a principle and stick to it. Good as this Bill was, the right hon. Gentleman the Chancellor of the Exchequer should look at the whole question in a statesmanlike manner. He should look not to the immediate future merely, but to the whole period during which he hoped his settlement of the Reform question would last. The Bill would never last without the adoption of this proposal. There was nothing to prevent the right hon. Gentleman's acceptance of it. If the principle were sanctioned, the right hon. Gentleman would place it in the hands of the Commissioners, who would carry it out with the utmost impartiality. If it were not accepted, the question would remain open for future agitation. The right hon. Gentleman had a great career before him. He should consider this question boldly and wisely, temperately and practically. He called upon him to deepen the channel, to widen the stream, and to purify its source, while strengthening its banks.

Amendment proposed, at the end of the clause to add—

“And every borough enumerated in Schedule A of this Bill shall be so enlarged, either by the addition of neighbouring boroughs or towns, or by an extension of its present boundaries, as to include a population of not less than 10,000 persons.”—
(*Captain Hayter.*)

MR. AYRTON said, that the present proposal could not be regarded as a serious piece of legislation. It was nothing more than an abstract Resolution. The discussion of it could only delay unprofitably the progress of the Bill. It stated alternative proposals, but did not propose in any way to carry out one of them. It was not necessary to answer the speech of the hon. and gallant Gentleman, because he had answered himself several times over. The only object of his proposal appeared to be to endeavour, as far as possible, to preserve that which was unjust and wrong in theory, without any merit whatever. The hon. and gallant Gentleman, by way of remedying an anomaly in our representation, proposed to perpetuate it in another and equally objectionable form. Having admitted that these insignificant places were in danger of being politically extinguished, he desired to prevent their fate

[*Committee—Clause 9.*]

by making them a shade less insignificant than they were at present. In confessing that his proposal was not the fruit of a partiality for electoral districts, the hon. Member had cut from beneath him the only ground on which he could have rested his case. It was not desirable to touch these small boroughs, except with the hand of destruction. As the last division showed that they would not be allowed to go further in that direction the best thing they could do was to allow the Chancellor of the Exchequer to go on with the Bill. The present proposal to rehabilitate these boroughs by a slight infusion of fresh life was neither just, reasonable, nor practical.

MR. YORKE said, that the more they progressed with the Bill the stronger became his conviction of the necessity of discussing the principle of it. He was strongly impressed with the importance of the present Amendment. When the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) condemned it as impractical and untimely, it was only fair for the House to remember that no other opportunity had been afforded to the hon. and gallant Member of bringing it forward. So far as the re-distribution part of the Bill was concerned, its only principle stated was enfranchisement, not disfranchisement. There was nothing in this Amendment inconsistent, but much that was in real harmony with that principle. To hand these boroughs over in their present condition to the tender mercies of a reformed Parliament was to ensure their fate. Inasmuch as new centres of population and commerce had arisen since 1832, it had become expedient to lop small boroughs of their superfluous representation, in order to give Members to these places. The question was, whether the House was prepared to see the small borough representation extinguished. It was generally conceded that the small boroughs fulfilled an important function to the State. If they were to be swept away, was a substitute to be provided for them? The Chancellor of the Exchequer had alluded to the disproportion between the representation of the counties and the boroughs, and had spoken of that anomaly as being partially mitigated by the fact that many of those boroughs represented the landed interests. Was the House prepared largely to increase the county representation, if the small boroughs were extinguished? Such a course would not tend to secure that variety in the representation which was so

Mr. Ayrton

desirable. That variety might be secured by the proposal of the hon. Member for Westminster (Mr. Stuart Mill), founded on Mr. Hare's plan of personal representation. But after the discouraging reception given to that proposal the other night—which he exceedingly regretted—there was little chance of the House adopting it. Again, direct representation might be given to the colonies. These were some of the alternative schemes by means of which they might obtain the advantages now derived from the small boroughs. But if the House would not adopt any of them, and if they wished to preserve the small borough system in any form, then the proposal of the hon. and gallant Member opposite (Captain Hayter) offered almost the only remaining mode of preserving it. By that proposal those boroughs might receive a status in the country in respect of population. Then there would be some guarantee that they might continue to enjoy their political life. It might be said the proposal was a step towards the principle of electoral districts. But the Bill itself was a partial concession to that principle and to the principle of numbers. Having gone so far, why not go a little further, and at any rate secure some degree of stability to those institutions which they were prepared to sanction and retain? He most favoured that part of the hon. Member's proposal which went to enlarge the boundaries of boroughs so as to include neighbouring districts. That was a better plan than the plan of grouping introduced last year. There were, no doubt, some advantages in grouping. It diminished local influence and tended to stop corruption. But the mode of grouping proposed last year was an absurdity. It seemed as if the places to be grouped had been shaken in a hat. He, himself, was one of the "groupees" of last year, and he would have had to travel five hours by railway, and on three different lines, before he could have made sure of his borough. The present proposal was a sort of corollary from the Motion of the hon. Member for Wick (Mr. Laing). If they were to take away one Member from all towns not having 10,000 inhabitants, they should then proceed to bring up all the towns having one Member to that standard. Many hon. Gentlemen had given up almost everything that they had hitherto held sacred in order to effect a settlement of the question. But he was afraid that unless the principle of this proposal were

adopted, they would, to a great extent, forfeit the advantages for the sake of which they had that Session made such sacrifices.

MR. DIMSDALE said, the suggestion made by the hon. Member for Birmingham (Mr. Bright) that the question of re-distribution should be postponed till another year was an admirable one. After their lengthened discussions on the first part of the Bill, they might be hurried into a decision upon its second part which would not redound to the credit of Parliament. The second portion of the measure was the most important one, because they might profess to give the largest possible franchise, and yet convert it into a safe and even a reactionary measure by a careful manipulation of the distribution of seats. The hon. Member for Birmingham had always shown himself alive to this, and on several occasions had stimulated the activity of his audiences to ceaseless watchfulness on this score. The hon. Member had besought them, whenever a Reform Bill was introduced, "never for a single moment to take off their eyes from the question of the re-distribution of seats." On another occasion the hon. Gentleman had declared that, unless the arrangements in that respect were satisfactory, the representative system would continue to be as disgraceful and partial as it had been hitherto. The hon. Gentleman, in a speech made at Birmingham to his constituents, spoke of our system of representation "as a disgraceful fraud, which ought to be put an end to." The hon. Member for Birmingham could hardly believe that that which he characterized as a "disgraceful" fraud was converted into a fair and honest representation of the people by the very small measure of re-distribution included in the scheme of the Government. He regretted that in laying down the principle, according to which the re-distribution of seats should be regulated, the Government had adopted the arbitrary test of population merely. That principle was not adopted in the Reform Bill of 1832, and he should like it much better if the Government had adhered to the principle then laid down. Those towns which contributed most to the public revenue were towns which ought to be represented. The population of Hertford was 6,769, and the population of Tamworth was 10,192; but Hertford contributed a larger amount—2,382, as against 2,042—than Tamworth to the State, under the different schedules of the income tax. There were two

ways of dealing with this matter. The principle of founding representation on population alone might be carried to its fullest extent. In that case either electoral districts would be established—a system not likely to be carried out—or the more gross inequalities of large towns compared with small towns and of counties compared with boroughs must be grappled with. There was a large number of unrepresented towns, not less than 121 in number, having a population exceeding 1,000,000 of persons. The Government Bill would enfranchise twelve of these towns, and leave 109 without representation. The Amendment of the hon. and gallant Member for Wells would enable the House to deal with those unrepresented towns by grouping them with existing boroughs. Take the case of Luton with a population of 16,000—that could only be properly dealt with by grouping. The inequalities between towns and counties was the most remarkable part of the present system. Both in respect to population and property the counties were considerably in excess of the boroughs. And how were they dealt with by the Government? Of all the measures of Reform which had been introduced of late years that of the present Government gave the smallest representation to the counties. With regard to the representation of counties compared with the representation of boroughs, he calculated that contrasting the disfranchisement of small boroughs with the additional representation given to the counties, that the result would be a loss of 12 seats to the agricultural interest under the present Bill. Were the House prepared to strike the small borough element entirely out of the electoral system? If the House did so, there would be only two classes of places represented in Parliament—large populous counties on the one side, and large towns on the other. At present it was very difficult for those who lived in the agricultural districts to contend against the influence of the great towns, and that difficulty would, to some extent, be met by a judicious system of grouping. If it was desirable to maintain the borough element, that could be done by adopting the proposal of the hon. and gallant Member for Wells. It would meet the case both of the unrepresented towns and the counties. With respect to the system of grouping, the Chancellor of the Exchequer last year said he thought it well deserving of the consideration of the House. He preferred the sys-

tem of grouping to the extension of boundaries. Another question which was raised by the Motion of the hon. and gallant Member for Wells was to add to the constituencies by increasing their area. If they were going to disfranchise a number of towns because the population was too small, it was only just that the matter should be postponed until after the Report of the Boundary Commission. As to the objection made to the system of grouping, on the ground that it was novel, it had no foundation in fact. It was a system which existed in Wales, in the Northern parts of Scotland, and some parts of England. So far from the expense of elections being greater under its operation, it contrasted favourably in that respect with the opposite system. Now that we were about to pass a scheme of Reform, we should endeavour to secure a fair representation of the whole community. It was not right that places like Ramsgate and Margate, which were thoroughly urban, should be allowed to pervert the character of the county representation. Under this Bill Luton would virtually return the Members for Bedfordshire, Leamington, those for the southern division of Warwickshire, Ware, Hitchin, and St. Albans, those for the county of Hertford. The system of grouping while it was calculated to operate advantageously in that point of view, would also have the effect of providing for the representation of minorities. Large minorities ought to be represented, and that object might be attained by augmenting the constituencies at present returning two Members. For those reasons he was prepared to give to the Amendment of the hon. and gallant Member for Wells his cordial support. His objection to the present scheme was that it would vest in the towns of England, not a mere predominance, but a monopoly of electoral power, and that it would make that power the patrimony of a class, when, by means of wiser legislation, it might be made the inheritance of a people. He should vote for the Amendment of the hon. and gallant Member for Wells, and for every subsequent Amendment hereafter to be introduced which would tend to modify the inequalities, the anomalies, the injustice to classes which deformed and disfigured the Government scheme of re-distribution, more in many respects than any of its predecessors—a scheme which would tend in the towns of England not to the mere predominance, but the monopoly of electoral

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power, which would make that power the patrimony of a class, when by wise legislation it might be made the inheritance of a whole people. In a word, the Ministerial proposals will disturb and upset the present relations of political power, without holding out the faintest principle of a permanent and enduring settlement of the much vexed and long agitated question.

THE CHANCELLOR OF THE EXCHEQUER: I wish to call the attention of the Committee to the exact position in which we now stand. We are on the 9th clause. That clause, which relates to boroughs returning one Member only, has received in principle the entire assent of the Committee. Next comes Clause 10, which has reference to the appropriation of seats. I am anxious to explain the position in which the Government find themselves in connection with that clause and the vote of Friday last. By that vote a considerable number of seats was, with the general assent of the Committee, added to those which we propose to appropriate by the present measure. With the general consent and concurrence of the House it was suggested that the scheme for the re-distribution of those seats should be intrusted for preparation to the Government. It was not until to-night that the Government could be in possession of the definite Resolution of the Committee on the subject. It was one of importance, requiring great consideration. I wish to say, on the part of the Government, that one of the effects of the vote of Friday night, which increases the area from which to collect the seats for distribution, is that the previous scheme which they presented to the House must be subject to re-consideration. We shall have to consider how to distribute forty-five seats instead of thirty, as originally contemplated. That will require great consideration, and cannot be placed before the Committee until the new schedules have been properly prepared, so that it may be brought forward in a finished state befitting its importance. What, therefore, I propose is to pass the 9th clause. Then I should move to report Progress, and not ask the Committee to sit again until they have had an opportunity of considering the proposal of the Government. No further discussion can take place until we meet again after the impending holidays, when we shall come to a consideration of the subject with a full knowledge of the details. With regard to the hon. and gallant Member's Amendments to the 9th clause, they

have been placed before the Committee in that interesting manner and with that vivacity which at all times characterize his addresses, and which cause them to be listened to with pleasure. I should, however, say that I thought his speech adapted more for a great occasion than the details of the clause before the Committee. It was rather a project for a new Reform Bill, and for the re-distribution of seats on a larger scale and on an entirely new principle. The speech of my hon. and gallant Friend, though most interesting to listen to, had little reference to the Amendments he has placed on the table. They refer to two points. First, that the area of small boroughs in Schedule A be extended so as to include a population of not less than 10,000 persons; and secondly, he suggests an alternative scheme, that they shall be so enlarged either by the addition of neighbouring towns or by the extension of their present boundaries. I think that the criticism of the hon. and learned Gentleman the Member for the Tower Hamlets (Mr. Ayrton) was just, when he said that we ought not to have in Committee an alternative proposal to adopt. The first proposal is, in fact, a grouping of unrepresented with represented towns. If I, on the part of Her Majesty's Government, had made such a proposal, it would have been met with indignant exclamations, that we were wishing to deprive the counties of the best part of their population, that we were draining the counties of the urban population. That, therefore, is impracticable. The effect of the alternative proposal would be to very much change the character of the county representation. It would be impossible to say without further information what impression it would have on the counties. It would be most unbusinesslike to agree to an indefinite derangement of boundaries of counties, and thereby upset all the calculations which have been prepared, and on which we were proceeding, with regard to population. I cannot say that I think the re-organization of our constituencies, which I do not despair of, will be much strengthened by making these small rural extensions around these small boroughs. A great deal has been said in favour of the existence of these small towns. They may play a very important and useful part in our Constitutional system, but I do not think that their importance or value will be increased by enlarging their boundaries so as to take in one or more parishes. The arrangement

would lead to great disturbance, and not attain the end which the hon. and gallant Gentleman proposes. I cannot, therefore, sanction the Amendment, even if it were placed before us in a form that would allow of its being put from the Chair with any definite result. The hon. and gallant Gentleman cannot say that he has not been supported in the debate, especially by the hon. Members for Tewkesbury and Hertford (Mr. Yorke and Mr. Dimsdale). The subject has been treated in every light, and the cumulative knowledge of several Sessions has been brought with great effect to bear upon it. I think I am not misinterpreting the opinion of the Committee when I state that they cannot sanction the Amendment. I cannot support it. I hope the hon. and gallant Member will not press it, in which case I will ask the Committee to report Progress.

MR. BERESFORD HOPE said, the Chancellor of the Exchequer could not have taken a more judicious course than to move the adjournment. He wished, however, to know, under the circumstances, whether in the meantime the new system of meeting at two o'clock on Tuesdays and Fridays would be persevered in or not. He hoped that the Government, in re-considering their scheme of re-distribution, would not lose sight of the counties. As in the general scramble for the good things of the earth, those who asked for nothing would get nothing, he now put in a special claim for North Staffordshire, a county with which he was both personally and politically connected. After Wednesday was cut off South Staffordshire, a division to which the Government proposed to give two additional Members, would only have 169,000 inhabitants, to North Staffordshire with 162,000, which was not to receive any addition. His Amendment to Schedule D was to divide North Staffordshire into two divisions, the western one comprising the manufacturing, and the eastern the agricultural portion.

SIR FRANCIS CROSSLEY said, the Chancellor of the Exchequer, at an earlier period of the evening, had said that counties had not their due share of the representation. He hoped the right hon. Gentleman would bear in mind that it was from boroughs the seats were being taken. In the re-distribution of those seats they ought to think of those boroughs which had no representation. There were many rising towns which had no representation at all. Keighley, for instance, in the Census of

1861, had a population of 40,000. It now contained 50,000 inhabitants, and returned no Member to Parliament. The Government, in carrying out their scheme, ought not to place the counties before such boroughs as that. He preferred making this suggestion beforehand to finding fault with their scheme after it was brought forward.

COLONEL DYOTT said, the hon. and gallant Gentleman's Amendment referred to the question of boundaries. Far from undervaluing that question, he (Colonel Dyott) thought it was the most important part of the question they now had to settle. He did not think it could be settled satisfactorily in the way proposed by the hon. and gallant Gentleman. The enlargement of the small boroughs so as to take in a wider area of country was the least likely way of bringing the question to a satisfactory settlement. The hon. and gallant Gentleman complained of an undue representation in the county of Devon. That was the very effect he would bring about by continuing the practice of enlarging the area of small boroughs. It was that more than anything else which had led to the undue representation of Devonshire. The case of Tavistock was an instance. Previous to the Reform Act of 1832, Tavistock had an area of only half a square mile. In 1832 it was enlarged to seventeen square miles or more. If that enlargement had not taken place the county of Devon would have had a less representation than it now possessed. The borough of Tamworth, in like manner, previous to 1832 had an area of three-tenths of a square mile in extent. For the sake of increasing the population so as to save the borough from being inserted in the schedule of the Reform Bill, the area was enlarged by the addition of various small villages and hamlets in the neighbourhood, so that the population within the Parliamentary boundary was now just over 10,000. The hon. and gallant Member's Amendment dealt with all the towns contained in Schedule A of the present Bill. The city which he (Colonel Dyott) represented (Lichfield) was contained in that list. Lichfield was to be left with only one Member, while Tamworth was to have two. He would like to know on what principle that was to be done, except on the question of the number of population. The boundaries of the city of Lichfield had never been altered. If they had been dealt with in the same way as the boundaries of Tamworth, so as to take in

all the hamlets and villages in the parish, Lichfield would now have been in the same position as Tamworth, or in a much better position, with regard to population. He did not wish to complain of Lichfield being allowed to have only one Member. He knew there were many other places of much larger population, even in the county of Stafford, which were not represented at all. But there should be some sort of justice in meting out the amount of representation to be given to one borough in comparison with another. He trusted the Boundary Commissioners in their labours would not only carry in their minds the propriety of enlarging small borough boundaries, where these at present were inadequate, but also of contracting others which had been artificially enlarged. The hon. and gallant Member for Wells had done the ancient city of Lichfield the honour of classing it among the twelve boroughs which, under one or other of the lists which he had framed, were to sink into the condition of pocket boroughs. Knowing nothing of the borough of Wells, he would not venture to dispute with the hon. and gallant Gentleman anything he might venture to assert regarding that constituency. But claiming to know something of the city of Lichfield, he maintained that among its constituency, small though it might be, there was independence sufficient to prevent it from ever sinking into the condition of a pocket borough held in the interest of either party.

MR. KINGLAKE said, that the Motion of the hon. and gallant Member for Wells contained a very valuable principle, which he hoped the hon. and gallant Gentleman would not recede from. But the Motion in its present form was hardly a fit subject for legislative discussion. The figure of 10,000, moreover, was hardly suited to their present expanded views of representation. He therefore hoped he would not divide the Committee upon it, but that he would afterwards introduce clauses with the object of carrying out his views in connection with that portion of the Bill containing instructions to the Inclosure Commissioners to which they were immediately related.

MR. M'LAREN said, the Chancellor of the Exchequer having stated that Her Majesty's Government would take the whole question of the re-distribution of seats into their consideration during the Whitsuntide recess, he thought this a favourable opportunity to urge upon the Government to

give Scotland more than the seven Members at present proposed. The hon. and learned Serjeant (Mr. Serjeant Gaselee) seemed to think that the people of Scotland had no right to interfere in any question of this kind, but the learned Gentleman was mistaken. He should look a little more closely at the Articles of Union, and, above all, at the Minutes of the Commissioners who framed the Treaty of Union. He would then see what the conditions of that Union were, and what was in the Act of Parliament which carried them into effect. If he would take the trouble to look at those Minutes he would find such words as these—"parts of the Kingdom now called England," and "parts now called Scotland." These phrases occurred constantly, indicating that the names of England and Scotland were never more to be heard of as separate parts after the passing of the Act of Parliament. Accordingly, Great Britain, and, at a later period, Great Britain and Ireland ever afterwards appeared. Scotland was an integral part of the United Kingdom. If three or four Members were to be taken from Devonshire and given to counties on this side of the Tweed, by what rule could they refuse to grant extra Members to counties on the other side of the Tweed? The people of Scotland had the same right to have some of the spare seats given to them as the counties of Northumberland, Yorkshire, or any other part of England. Gentlemen forgot that Northumberland and Durham were once part of Scotland. The splendid cathedral of Durham was built by a Scotch king. These counties were afterwards acquired by England by conquest or treaty, and why were they to be put in a better position than the other parts of Scotland, which were not so acquired, but which voluntarily entered into the Union as an independent Kingdom, on terms ratified by Acts of Parliament passed by both countries? It was a principle of our Constitution that taxation and representation should go together. The people of Scotland complained that that principle was violated, and that in their case taxation and representation did not go together. The people of Scotland paid one-seventh of the taxation as compared with the people of England, and they had nothing like one-seventh part of the representation. It was an act of common justice that the number of Members should be largely increased in Scotland. There were two Returns which showed that, whe-

ther taken by population or by taxation, Scotland was entitled to twenty-five additional Members. It was most unjust, when forty seats were to be set free for distribution in England, only seven seats were to be given to Scotland. But supposing the number of seven to be correct, the distribution of them was most objectionable. It gave the counties in Scotland far more Members than the boroughs; and it proposed to give one-thirtieth part of the entire representation of Scotland to the Universities. Anything more monstrous could not be proposed. Under these circumstances, he hoped that the Government would re-consider this question of the re-distribution of seats respecting Scotland, with a view to that country obtaining her fair and legitimate share of representation.

MR. R. B. HARVEY said, he thought it well to retain small boroughs. Their representatives came unpledged and open to persuasion. Their constituencies were the link between county and ordinary borough constituencies. They formed the machinery for supplying the cities with the produce of the country, and joined the agricultural and commercial interests.

MR. LAING said, that the hon. and gallant Member for Wells would exercise a sound discretion in reference to the advancement of the principle he had in view if he acted upon the advice of the Chancellor of the Exchequer and withdrew his Amendment. He understood the statement of the right hon. Gentleman to be that Her Majesty's Government, recognising the wish of the House as conveyed so unmistakably in the vote of Friday night, were prepared to accept as a basis the figures established by that vote. They consequently wished to re-consider the whole question of re-distribution, and to frame their schedules accordingly. The proposal of the Chancellor of the Exchequer was much more likely to lead to a satisfactory result than any discussion upon Amendments of private Members. There would be quite time enough after the Whitsuntide recess, if the provisions to be proposed by the Chancellor of the Exchequer were not deemed satisfactory, for the Committee to deal with them in any way they might deem necessary. The question of grouping was one of such difficulty as to render it scarcely possible for an independent Member to deal with it. By what they knew of the sentiments of the Chancellor of the Exchequer they could hardly sup-

pose he would leave county Members in the lurch. It was manifest that if a system of due representation was to be obtained, the principle of grouping must be dealt with by the Government. He hoped the Committee would exercise a wise discretion and allow the Chairman to report Progress. It would then be desirable to utilise the morning sitting to-morrow by considering the question of the voting papers. What would, perhaps, be a better arrangement still would be for the Government to postpone those morning sittings until they were prepared to resume the consideration of this re-distribution question after the recess.

VISCOUNT GALWAY said, that having been somewhat personally alluded to by the hon. and gallant Member for Lichfield (Colonel Dyott) in connection with the boundary question, he ventured to say a few words. The hon. and gallant Gentleman gave some good advice to the hon. and gallant Member for Wells (Captain Hayter) when he told him that however well he knew Wells, he did not know Lichfield as well as he did. He (Viscount Galway) would tell the hon. and gallant Gentleman (Colonel Dyott) that however well he knew Lichfield, he did not know Retford and the hundred of Bassetlaw as well as he did. The House had not heard much of Retford lately. Everyone knew before the Reform Bill that Retford was so corrupt that it was said that if its Members had been taken away from it and given to Birmingham or any other populous place, there would probably have been no Reform Bill. Although it was said that if the borough of Retford should be opened it would fall into the hands of the landowners, since it had been thrown open and the hundred of Bassetlaw included in it, a purer constituency did not exist. He might feel proud at representing it, inasmuch as during the twenty years he had had that honour he had never been exposed to a contest for his seat. He thought the enlargement of the borough constituencies generally was the best principle for the Government to proceed upon for purifying the constituencies.

SIR ROUNDELL PALMER said, he trusted the Government would not propose any system of grouping such as that suggested by the hon. Member for Wick (Mr. Laing), who had selected towns arbitrarily. The system of grouping should be applied, if at all, to all boroughs similarly circumstanced.

CAPTAIN HAYTER said, that as the Chancellor of the Exchequer had expressed

Mr. Laing

himself as not averse to grouping, he would postpone his Amendment until the schedules came on for discussion. He therefore asked leave to withdraw his Amendment. In reply to the hon. and gallant Gentleman (Colonel Dyott), he would break up the representation of South Devon, by merging some small boroughs in the county, if they were unwilling to be grouped, and thus practically abolish them. He concurred in the suggestion of the hon. and learned Gentleman (Sir Roundell Palmer) that grouping should be carried out on a uniform plan.

MR. AYRTON said, he objected to the withdrawal of an Amendment, the discussion of which had occupied the whole evening. The Committee was to hear of it again. At that rate, they would never get through the Bill.

MR. GATHORNE HARDY said, the hon. and gallant Member must not withdraw his Amendment on the supposition that the Government had acceded to its principle. He did not understand that his right hon. Friend the Chancellor of the Exchequer, who was at that moment absent, had at all pledged himself to adopt the course suggested. The Government must be left an entire discretion to deal with the question as they might think proper. The Committee was prepared to come to a decision on the question before it. It was satisfied of the inexpediency of attaching an abstract Resolution to a clause, and leaving it to be carried out in detail afterwards. It would be a course attended with difficulties, if not with impossibilities. He wished that the union between England and Scotland was more complete. But the claims of Scotland, which had been considered by the Government, hardly came into question in the clause under discussion. With respect to morning sittings, there was a very important Bill which had been before the House one or two years—namely, the Bankruptcy Bill. He hoped the House would consider it at a morning sitting to-morrow (Tuesday). It was not proposed to have a morning sitting on Friday.

MR. WYLD said, he would appeal to the Government to consider the claims of Cornwall. Counties with less population had three Members.

MR. NEWDEGATE said, that he would not propose the Amendments he had placed on the Paper, as the Government were about to introduce a new scheme. Comparing population and property in

Scotland, the English counties, and Ireland, the latter country was greatly over-represented.

Amendment put, and *negatived*.

MR. DILLWYN said, that not desiring to obstruct the Government, who deserved every support, he would not now propose the Amendment of which he had given notice, but would reserve his right to do so at a future stage of the Bill. His proposal with respect to the single vote had been much misunderstood.

Amendments *moved*.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. KNATCHBULL - HUGESSEN rose to record his protest against the inefficient measure of re-distribution before the Committee. They were passing an extensive measure of enfranchisement and coupling it with a measure which would have scarcely any effect upon the constituencies. He had gone carefully into statistics, and he was satisfied the scheme did not contain the elements of permanence. Any measure of re-distribution which did not place at the disposal of the Government eighty or ninety seats would not be satisfactory to the House.

THE CHANCELLOR OF THE EXCHEQUER: There is no reason, according to the forms of the House, why the hon. Gentleman should not now favour us with his views upon the question of distribution and re-distribution. Owing to the holidays, and other causes, some little time must necessarily elapse before the Government can submit their proposals to the Committee. I hope, therefore, that the Bankruptcy Bill not coming on, the hon. Gentleman, as we are desirous of obtaining every information, will not lose this happy opportunity, and that we shall be allowed to profit by the statement of his opinions. The hon. Gentleman should be no mean authority, for he was a Member of the late Government. At the same time, I am somewhat astonished at the large view which he takes of this subject. He says that eighty or ninety seats should be put at the disposal of the Government. Now, without that due sense of responsibility which is so awkward an incumbrance to human nature, it would be just as easy to propose that 180 or 190 seats should be dealt with. Very plausible reasons might, no doubt, be urged in favour of such a proposal—at least, at this period of

the evening. I hope, therefore, that the hon. Gentleman will favour us with his views. I have no doubt the Committee will listen to them with the greatest consideration, and we shall avail ourselves to the utmost of any happy suggestions he may make.

MR. KNATCHBULL - HUGESSEN could not resist the invitation of the Chancellor of the Exchequer, whose courtesy and kindness in the transaction of the business of the House would at any time encourage him to trespass upon his forbearance. He had been unwilling to trouble the Committee with any remarks further than those which were necessary to place upon record his opinion of the insufficiency of the proposed number of seats to be re-distributed, because, after the recent decisions of the Committee, those remarks could have no immediate practical result. The Committee having decided on Friday to take one Member from boroughs with a population below 10,000, and to-night having refused to disfranchise boroughs with a population below 5,000, the forms of the House prevented him (Mr. Knatchbull-Hugessen) from moving as an Amendment that larger measure of disfranchisement which he thought necessary. The right hon. Gentleman the Chancellor of the Exchequer taunted him with having stated that it was necessary to place eighty or ninety seats at the disposal of the Government for re-distribution, and said that he might as well have given 180 or 190. But he had not made the statement without having fully considered the subject, and he repeated the proposition. What were the two great reasons urged in favour of the necessity of a Reform Bill? First, the exclusion from the franchise of large numbers of persons who ought to possess it; and second, the unequal distribution of electoral power. Now, so far as the first reason was affected by the Bill, the House appeared to be about to agree to a measure so liberal and so extensive as to have been termed, even by advanced Reformers, "a revolution." If, then, with such a measure you coupled a scheme of re-distribution, which would have little, if any, perceptible effect upon the constituencies, how could you possibly hope that the element of permanence would attach to your measure? It would be like yoking in the same carriage an elephant and a Shetland pony, and expecting them to travel well and evenly. The Government were about

to bring the franchise of county and borough near together; there would be household rating suffrage in the boroughs, and £12 rating in the counties. The agitation which they had to apprehend was an agitation in favour of a uniform suffrage and electoral districts. He (Mr. Knatchbull-Hugessen) was no friend to agitation. He belonged to the same class as many hon. Gentlemen opposite—the class of country Gentlemen—who had the other night been designated by the hon. Member for Nottingham by an epithet which might be Parliamentary, but was certainly not polite. Well, agitation was not the trade of country Gentlemen. But if they desired to avoid it, they must deal with the question of re-distribution in a liberal and comprehensive spirit. It was absolutely essential that the most glaring anomalies of the present system should be removed. What was the most glaring anomaly of all? That small populations in certain localities had an electoral power equal to, or greater than, much larger populations elsewhere. Now how was this to be remedied? If the question was urged upon population alone there would be no solution short of equal electoral districts. But that would be only an imperfect solution. If you had such districts to-morrow, what would happen? That ever-varying circumstances of trade—the shifting of population—the development of the resources of one district, and perhaps the exhaustion of another; these and other causes would create a constant change, and in a very few years the symmetry of your system would be destroyed, and the advantages you might have gained would prove but temporary. But he (Mr. Knatchbull-Hugessen) maintained that not only population but interests had been and must be regarded in this question of re-distribution. Was Manchester represented only by her two Members? Let her interests, or the interests of any other large seat of industry be attacked, and champions would spring up all round. But population must not be ignored, and to have Manchester with the same amount of representation as a small borough was an anomaly which could not last. The claims of these large towns must be considered—but he had always contended that a population of 100,000 or 150,000, whose claims were held valid if gathered together within two or three square miles, were not to be disregarded as if they occupied an area of twenty or thirty square miles. He therefore en-

tirely agreed that justice must be dealt out to the counties as well as to the boroughs. He had gone deeply into the question, and had prepared a scheme by which the distribution of some eighty seats would, in his opinion, have removed the greatest incongruities of the system—that Lancashire should return Members, each of whom represented some 90,000 of population—Kent, Members who represented each 41,000; Berks, Members in the proportion of 1 to 25,200; and Bucks, 1 to each 15,300 of population. These were anomalies which required correction. He would not have troubled the Committee but for the invitation of the Chancellor of the Exchequer, who must be responsible for his having done so, and he could only hope that before the Bill became law it might have engrafted upon it a more adequate scheme of re-distribution.

MR. BRIGHT: I wish to ask the Government whether it would not be convenient for the House to have this Bill re-printed by the time that the House will meet again after Whitsuntide. A good deal that is now in the Bill will have to be left out. Perhaps, also, the new schedules might be printed along with it, so that the House might come with greater ease to comprehend how the matter now stands.

THE CHANCELLOR OF THE EXCHEQUER: So far as we have at present proceeded, the Bill has, I believe, already been re-printed. The hon. Gentleman has probably not seen it. I must remind him that it is not in the power of the House to order a Bill in progress to be re-printed. It depends entirely on the kindness of Mr. Speaker. It is only under extraordinary circumstances that the Speaker exercises his prerogative in that respect. With regard to another point—as to the course we intend to pursue—it is necessary that the plans of the Government should be in the hands of the House for some days before they are asked to decide upon them. Therefore, the course which I contemplate pursuing is this. I propose that we adjourn for the holidays on Friday, and that we meet again on the following Thursday. But I do not intend to open the Committee on this Bill except *pro forma* on Thursday week. I would put the Committee first on the Paper for that day, in order that I may reserve to the Government the opportunity of making any statement or placing any Amendments on the table, so that the Committee may be in a position to decide upon them on the Monday following. I

Mr. Knatchbull-Hugessen

propose to take Supply on Thursday week; but, practically, we shall not go into any consideration of the Reform Bill until this day fortnight. Hon. Members having been previously put in possession of the proposals of the Government, will be able, I trust, to go at once into the merits of the question, re-invigorated by our recess. I count with great confidence on both sides of the House assisting me in conducting business on this subject with the necessary spirit. To-morrow I hope the House will agree to a morning sitting on the Bankruptcy Bill, which is a matter of great importance. I understand that hon. Gentlemen on both sides of the House are anxious to proceed with it. I would not this week trouble the House to have a morning sitting on next Friday. But on Thursday week we shall go into the Army Estimates, and if we adjourn on Friday and meet again on Thursday, I would have my notices placed on the Paper that the House may have an opportunity of facilitating the progress of business on Monday week.

SIR GEORGE GREY said, he wished to know if the right hon. Gentleman would place on the table the Government proposals dealing with the seats which would become available in consequence of the adoption of the Amendment moved by the hon. Member for Wick. It was quite true that the Bill, so far as it had arrived last week, had been re-printed; but he thought it would be desirable to have it re-printed to the point at which the Committee would leave off that evening.

VISCOUNT CRANBORNE said, that he would suggest that the whole Bill should be re-printed and delivered to Members, who would thus be relieved from the perplexity occasioned by the constant delivery of series of fragmentary papers. He would suggest, moreover, the employment of a larger type, as was done in the House of Lords, or of red ink, by way of distinguishing the proposals of the Chancellor of the Exchequer.

SIR ROUNDELL PALMER said, he thought it desirable that the Government should place upon the table of the House the interpretation clause which had been promised especially with respect to the words "dwelling house."

MR. DENMAN said, that the same observation would apply to the words "demanding payment of rates."

THE ATTORNEY GENERAL said, that in one case the clause had actually

been on the Paper for a day or two, and in the other the clause was ready, and should be placed upon the table immediately.

THE CHANCELLOR OF THE EXCHEQUER said, that he would confer with the Speaker as to the reprinting of the Bill. He must, however, correct an erroneous opinion into which the right hon. Baronet (Sir George Grey) appeared to have fallen. What he had said was that the proposal of the Government should be in the hands of hon. Members in ample time before they were called upon to decide upon them. If placed on the table on the Thursday on which they re-assembled, and a decision asked on the following Monday, that would probably be satisfactory.

VISCOUNT AMBERLEY said, he wished to know if the House would meet on Friday at four o'clock?

THE CHANCELLOR OF THE EXCHEQUER: Yes.

MR. ESMONDE said, he wanted to know when the Irish Reform Bill would be brought in.

THE CHANCELLOR OF THE EXCHEQUER said, it was intended to bring it in as soon after the holidays as convenient.

MR. ESMONDE said, the right hon. Gentleman had omitted to state when.

THE CHANCELLOR OF THE EXCHEQUER said, it would not be on Thursday, and probably not on the Monday following. After that he hoped to be able to appoint it for some day convenient to the hon. Member.

MR. W. E. FORSTER said, he wished to know if the House would be furnished with the names of the Boundary Commissioners by Thursday week?

THE CHANCELLOR OF THE EXCHEQUER: I have already informed the hon. Gentleman that the names will be furnished in due time, and that answer I must repeat.

MR. O'BEIRNE said, he would be glad to learn if the Irish Reform Bill would be brought forward before the English Reform Bill was read a third time?

THE CHANCELLOR OF THE EXCHEQUER: The event to which the hon. Gentleman alludes is one to which I look forward with some degree of satisfaction. But it is my intention to bring the Irish Reform Bill forward even at the risk of deferring that pleasure.

MR. W. E. FORSTER said, he thought

it was but reasonable for the information of the House that his request as regarded the Boundary Commissioners should be acceded to.

THE CHANCELLOR OF THE EXCHEQUER: I never said that the hon. Gentleman did anything unreasonable in asking this question. I only gave him what I thought a reasonable answer. I must impress upon the Committee that if there be anything important in the business it is the formation of this Commission. It is absolutely necessary that it should command the entire confidence of the House of Commons. We have to choose five gentlemen who, from their high character and from their accomplishments, will command universal respect, and whose position in life will enable them to give the necessary time to the duties they will be called on to perform. There are many other considerations, too, upon which it is not necessary to enter. The task of such a selection as ought to be made is not easy of accomplishment. To choose hastily four or five persons, very respectable people, but whose names might be opened to objections, would be very easy. We wish to propose to the Committee names which will be entirely satisfactory. All I can say is that the names shall be offered to the Committee in due time—that is to say, long before the Commissioners can enter upon their duties, and when the House of Commons shall be able to consider our recommendations and to deal practically with them.

VISCOUNT GALWAY said, he wished to put a question relative to the Turnpike Trusts Bill.

THE CHAIRMAN said, that it could not be put at that time.

Motion agreed to.

Clause, as amended, agreed to.

House resumed.

Committee report Progress; to sit again upon *Thursday* 13th June.

SUPPLY.

Resolutions [May 31] *reported.*

MR. HUNT said, he moved to strike out the proviso appended at the instance of the hon. Member for Southwark (Mr. Layard) to the Vote for the new building to be erected at the back of Burlington House

Mr. W. E. Forster

for the London University—namely, that no part of the money should be expended in carrying out either of the plans which had been exhibited in the Library. The hon. Member had agreed to the Motion.

Proviso struck out; Report agreed to.

LINEN AND OTHER MANUFACTURES (IRELAND) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend certain Acts relating to Linen, Hempen, and other manufactures in Ireland.

Resolution reported: — Bill *ordered* to be brought in by Mr. LANYON and Mr. GETTY.

Bill *presented*, and read the first time. [Bill 183.]

REAL ESTATE CHARGES ACT AMENDMENT BILL.

On Motion of Mr. LOCKE KING, Bill to explain and extend the operation of an Act passed in the seventeenth and eighteenth years of Her present Majesty, chapter one hundred and thirteen, intitled "An Act to amend the Law relating to the Administration of deceased persons," *ordered* to be brought in by Mr. LOCKE KING, Sir ROUNDELL PALMER, and Mr. HEADLAM.

Bill *presented*, and read the first time. [Bill 181.]

PAWNBROKING BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law for regulating the Hours of receiving and delivering goods and chattels as pawns in Pawnbrokers' Shops.

Resolution reported: — Bill *ordered* to be brought in by Mr. AYRTON and Mr. O'BEIRNE.

Bill *presented*, and read the first time. [Bill 182.]

DOGS REGULATION (IRELAND) ACT (1865) AMENDMENT BILL.

On Motion of Mr. STACPOOLE, Bill to amend the Act of the twenty-eighth and twenty-ninth Victoria, chapter fifty, for regulating the keeping of Dogs, and for the protection of Sheep and other property from Dogs in Ireland, *ordered* to be brought in by Mr. STACPOOLE, Mr. LAWSON, and Mr. O'BEIRNE.

Bill *presented*, and read the first time. [Bill 184.]

House adjourned at a quarter
after Two o'clock.

HOUSE OF LORDS,

Tuesday, June 4, 1867.

MINUTES.]—SELECT COMMITTEE—On Policies of Insurance *nominated*.PUBLIC BILLS—*First Reading*—Consolidated Fund * (£14,000,000); Exchequer Bonds * (£1,700,000); Metropolitan Police * (135); Houses of Parliament * (136); Public Works Loans * (137); Limerick Harbour (Composition of Debt) * (138).*Second Reading*—Chester Courts * (77); Pier and Harbour Orders Confirmation * (117); Intestate Widows and Children * (120); Pier and Harbour Orders Confirmation (No. 2) * (115).

Committee—Contagious Diseases (Animals) (139); County Courts Acts Amendment (108).

Report—County Courts Acts Amendment (140); Army Enlistment * (112).

CONTAGIOUS DISEASES (ANIMALS) BILL.
(NO. 121 & 122.) COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 30, inclusive, *agreed to*, with verbal Amendments.

Clause 31 (Regulations respecting landings, &c., of Foreign Animals).

LORD WALSINGHAM moved the insertion of words giving the Government power to require that all foreign cattle should be slaughtered at the port of entry to this country without exception.

THE DUKE OF MARLBOROUGH said, the question of slaughtering all foreign cattle imported into England at the ports of entry was a very wide one, and one upon which it was very difficult to come to a conclusion without much previous consideration. The subject referred to by the noble Lord had been maturely considered by the Select Committee to whom the Bill was referred, and a general feeling existed that the Privy Council ought to have the power of ordering the slaughter of cattle at the ports of entry. Some doubts existed as to whether the Privy Council already possessed that power under the existing Acts, and it was deemed desirable that those doubts should be removed, and a clause was introduced into the Bill for that purpose. The words of the clause gave power to prohibit or regulate "the removal or disposal of cattle imported into England," and it was considered that the word "disposal" would necessarily include the ordering of cattle into quarantine, their slaughter if necessary, and every other mode of disposing of them. His noble Friend (Lord Walsing-

ham) had expressed his views before the Select Committee, and had proposed to introduce the word "slaughter;" but the Committee thought the clause as it stood was sufficient for the purpose intended. He had no objection to the insertion of the word if their Lordships thought proper—it was for them to say whether they concurred with the Select Committee on this point.

LORD BERNERS supported the Amendment on the ground that it was better to make the matter quite clear than to leave it in doubt.

THE EARL OF DERBY said, it was simply a question as to whether the interpretation of the clause on this point was doubtful or not.

Amendment *agreed to*.

Further Amendments made.

The Report of the Amendments to be received on *Thursday* next; and Bill to be *printed* as amended. (No. 139.)

COUNTY COURTS ACTS AMENDMENT
BILL—(*The Lord Chancellor*.)

(NO. 108.) COMMITTEE.

House in Committee (according to Order).

THE EARL OF ROMNEY objected to Clause 4 (No Action for Beer, &c., consumed on the Premises to be brought), which he thought was calculated to prevent a certain class of persons from obtaining payment of their just debts. Scores were run up at public-houses by others besides labourers and watermen, and by this clause any clerk, for instance, would, if he felt disposed to be dishonest, be able to cheat the man from whom he obtained his daily supply.

THE LORD CHANCELLOR reminded the noble Earl that he would have an opportunity of discussing the clause when the Bill was again in Committee.

THE EARL OF KIMBERLEY hoped that the noble and learned Lord on the Woolsack would not abandon what he regarded as the best clause in the Bill.

THE LORD CHANCELLOR had not the slightest intention of abandoning any portion of the clause. He had simply reminded the noble Lord that the discussion of the clause was premature.

Bill *reported*, without Amendment.

Amendments made; Bill *re-committed* to a Committee of the Whole House on *Monday* the 17th *instant*; and to be *printed* as amended. (No. 140.)

INCREASE OF THE EPISCOPATE BILL.

(The Lord Lyttelton.)

(NO. 129.) THIRD READING.

Order of the Day for the Third Reading read.

EARL GREY called attention to the circumstances under which his clauses relating to Suffragan Bishops had been struck out of the Bill. Those clauses had been generally approved of by their Lordships on both sides of the House, and no notice had been given of any objection to them. At the last moment, however, on the proposal of a noble Earl (the Earl of Ellenborough), those clauses were, after a division in which the proposition was carried by the narrow majority of 23 to 20, removed from the Bill. He could not accept that decision as the deliberate judgment of their Lordships. He therefore intended to move upon the third reading that those clauses should be reinstated in the Bill, and should therefore ask the noble Lord who had charge of the measure (Lord Lyttelton) to postpone his Motion for the third reading until after the Whitsuntide holydays, in order that their Lordships should have ample notice of his intention, and opportunity for the consideration of the important question involved. He could not help thinking that a great deal of the objection which was felt to the measure had arisen from the enlargement of the provisions relating to Suffragans. He should prefer to see the class of persons from whom they might be selected reduced to its original dimensions, and the clause enabling territorial titles to be given them, struck out.

LORD REDESDALE thought it was a most inconvenient course to raise a discussion on the third reading of a Bill on a number of clauses which were not before them in a tangible shape.

EARL GREY said, having given notice of his intention, he would have his clauses printed, and laid on the table.

LORD LYTTELTON declined to express any opinion upon the point of form. He was, however, quite willing to postpone the Motion for the third reading if such a course met with the approval of their Lordships. He should much prefer that the Bill should be read the third time; but he was willing to postpone it in deference to the wish of the noble Earl who had taken so much interest in the subject; but he confessed he did so with uneasiness.

THE EARL OF DERBY said, it might be convenient to their Lordships, in reference to future arrangements, to inform them that he would propose to adjourn for the Whitsuntide holydays from Friday to the Monday week following.

THE EARL OF ELLENBOROUGH suggested that it would be a more convenient course to pass the third reading of the Bill at once, and for the noble Earl to introduce his clauses in a separate Bill. It appeared to him that this measure would have a much better chance of passing through the other House without the proposed clauses of the noble Earl.

EARL GREY said, he could not assent to the third reading of the Bill without the clauses in question, or to their forming the subject of a separate measure.

Third reading *put off to Friday the 21st instant.*

STANDING ORDERS—RAILWAY DEPOSITS.—OBSERVATIONS.

LORD STANLEY OF ALDERLEY called the attention of the House to the inconvenience which had arisen from the discrepancy in the Standing Orders of the two Houses of Parliament in regard to the provision made in the last Session of Parliament for securing the completion of railways. The object of the deposit was to give security for the proper completion of railways; but the present state of matters relating to the Standing Orders was extremely inconvenient, inasmuch as it required the parties to comply with two sets of Standing Orders, which were wholly different. He thought what was requisite as to the required proceedings of railway companies should be comprised in the provisions of a Bill and submitted to the consideration of both Houses of Parliament. He would suggest to the noble Lord the Chairman of Committees that he should enter into communication with the Chairman of Committees in the other House, in order to see if some arrangements could not be made to form a Joint Committee of Standing Orders, or at all events to issue a combined set of Standing Orders in reference to proceedings of Railway Companies which introduced Bills into Parliament, so that when the companies promoting such Bills had complied with their Lordships' Standing Orders, they should have no further trouble with respect to those of the House of Commons. He wished to know

what course the noble Lord was prepared to take in the matter.

LORD REDESDALE said, he was much obliged to the noble Lord for bringing forward this subject, because he wished to explain to the House, and to all others whom it concerned elsewhere, how the matter in question stood. He had last Session communicated with the Chairman of the Standing Orders Committee of the House of Commons with the view of obtaining his concurrence and approval of the Standing Order adopted by their Lordships' House; but Colonel Wilson Patten thought it then too late to propose any change in the Commons Orders, but advised him to proceed in the Lords, engaging to bring the subject before the Standing Order Committee in the Commons at the commencement of the ensuing Session. This Session he had again applied to the Chairman to have some arrangement come to; but one excuse was made after another with regard to it; the matter was put off till just before Easter, and the Chairman of Ways and Means, and the Chairman of the Standing Orders Committee, came to him and requested that he should withdraw their Lordships' Standing Order. He said he would consider the subject, and let them know the conclusion he came to. He had considered the subject fully, and seen what the effect of the Standing Order had been. He confessed he was not prepared to come to the conclusion that the Standing Order of that House should be given up. The intention of Parliament undoubtedly was that the deposit should be applicable to the construction of the railway, and that it should be deposited by the subscribers to the railway; but the usual course was to borrow the money from some bank at considerable expense, and the Act allowed the withdrawal of the deposit after the Bill had passed, by giving a bond; and although the Act provided that the money should be forfeited if the railway should not be completed within the time specified, there was no single instance in which that had been enforced. The Resolution of the House of Commons admitted that their Standing Order was defective, and he was satisfied great advantage would result from carrying out their Lordships' Standing Order. Everything that had occurred since the adoption of the Standing Order tended to show its importance. In the case of the Brighton line a great exposure had taken place in

reference to engagements entered into by the Directors for the adoption of certain lines, and he expressed his belief that the complaints made on that subject had arisen in consequence of the want of security afforded by the Standing Order adopted by their Lordships, which, he maintained, was more in accordance with the Act of Parliament than the Standing Order of the House of Commons, because it insured a deposit by subscribers for the sake of the contemplated undertaking. A short time ago he had a conversation on the subject of the Standing Order with the Chairman of the Standing Orders Committee of the House of Commons and with the Chairman of the Committee of Ways and Means, who were not prepared to condemn their own Standing Order. He, on the other hand, was not prepared to condemn the Standing Order adopted by their Lordships, which, he thought, might without any inconvenience be tried for a short time by way of experiment. What he proposed as a fair compromise was, when their Lordships sent down Bills containing the clause in conformity with their Standing Order to the other House, and when the other House sent them back amended according to the Standing Order of the Commons, that their Lordships should accept the Bill so amended, and that, in like manner, Bills originating in the other House, when sent back amended according to their Lordships' Standing Order, should be accepted by the Commons.

LORD STANLEY OF ALDERLEY suggested the expediency of appointing a Committee composed of Members of both Houses to consider the point. The consequence of the position in which matters now stood would be that legislation with respect to railway subjects would be stopped for the present if their Lordships persisted in maintaining their Standing Order.

THE EARL OF DERBY thought that, if a Joint Committee of the two Houses were appointed to examine into the Standing Orders, a satisfactory solution of the difficulty might easily be arrived at.

EARL GREY was of opinion that the Government ought to take upon themselves the responsibility of recommending to Parliament the course which they deemed desirable to be taken in the matter.

THE DUKE OF CLEVELAND looked upon the suggestion for the appointment of a Joint Committee as one which it would be well to adopt.

THE DUKE OF RICHMOND admitted

that the present state of things was attended with great inconvenience, and undertook to confer with the Members of the Government in the other House with the view of seeing whether some more satisfactory arrangement could not be devised.

LORD STANLEY OF ALDERLEY thought it would be well if the arrangement should embrace not only the particular point at issue, but the general conduct of the private business which came before both Houses.

POLICIES OF INSURANCE BILL.

The Lords following were named of the Select Committee: The Committee to meet on *Friday* next, at Four o'Clock, and to appoint their own Chairman:—

Ld. Chancellor	L. Somerhill
E. Devon	L. Cranworth
E. Graham	L. Cairns
V. Halifax	

House adjourned at a quarter before
Seven o'clock, to Thursday next,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 4, 1867.

MINUTES.]—SELECT COMMITTEE—On Special and Common Juries *appointed*; on Galway Harbour (Composition of Debt) *nominated*; on Game Preservation (Scotland) and Game Laws (Scotland) *nominated*.

PUBLIC BILLS—*Resolutions in Committee*—National Gallery Enlargement [Purchase of Site]. *Resolutions reported*—Public Records (Ireland) [Salaries, &c.]

Ordered—Railway and Joint Stock Companies Accounts; Inclosure (No. 2)*; Local Government Supplemental (No 3)*.

First Reading—Inclosure (No. 2)* [186]; Local Government Supplemental (No. 3)* [187]; Railway and Joint Stock Companies Accounts [188].

Second Reading—Master and Servant [105].

Committee—Bankruptcy (*re-comm.*) [133], debate *adjourned*; County Treasurer (Ireland)* (*re-comm.*) [159]; Courts of Law, &c. [Salaries and Expenses]* [145] [R.P.]; Public Records (Ireland)* [157].

Report—Turnpike Trusts* [233]; County Treasurer (Ireland)* (*re-comm.*) [159]; Public Records (Ireland)* [185].

Third Reading—Exchequer Bonds (£1,700,000)*; Consolidated Fund (£14,000,000)*; Metropolitan Police* [171]; Houses of Parliament* [170]; Public Works Loans* [172]; Limerick Harbour (Composition of Debt)* [176].

The Duke of Richmond

BANKRUPTCY ACTS REPEAL (*re-committed*) BILL.

(*Mr. Attorney General, Mr. Secretary Walpole, Mr. Solicitor General.*)

[BILL 133.] COMMITTEE.

Order for Committee read.

THE ATTORNEY GENERAL said, he wished to state shortly some two or three points in which the Bill had been amended, leaving the smaller details of Amendments for explanation when they came to the clauses in Committee. The Bill had been re-printed with his proposed Amendments and largely circulated among those who were interested in the subject. There was one point, however, upon which no alteration was proposed, and as it was a matter of much importance, and had been greatly misunderstood, he should like to explain the position in which it stood. It was said that what he was proposing to do was to extend the power of arrest on final process instead of abolishing it, but that was not the case. The matter stood thus. After the abolition of imprisonment for debt on *mesne* process there still remained a power of arrest on final process on judgment debts to any amount, even down to £5. That was thought a great evil, and by the 7 & 8 *Vict.* c. 96, it was enacted that arrests upon action for debt on final process should be abolished in every case under £20. So that the judgment creditor under £20 had no remedy except execution against the debtor's goods, which, in many cases, was of course no remedy at all. In the next year the 8 & 9 *Vict.* c. 107 was passed. It was now generally known as "The Small Debts Act." The portion of that Act to which he was about to call attention related to judgment debts under £20. The County Courts were not then in existence. The Act gave this additional remedy to that of execution against the debtors' goods. It enabled the judgment creditor to summon the judgment debtor before any Small Debts Court, and power was given to these courts to examine into the nature of the debt, to inquire into the debtor's means of payment, and to make order for payment by instalments according to his means. If the judgment debtor refused to attend, or to answer as to the circumstances under which the debt had been incurred, or as to his means of payment, or to pay the instalments ordered, the Court had power to employ coercion, which was clearly requisite under the cir-

cumstances supposed. A power of imprisonment for a period not exceeding forty days was therefore given simply as a punishment of recusancy, and it was provided that it should not operate by way of satisfaction of the debt. In the next year the first County Courts Act was passed—for the three Acts were passed in three successive years—and the original jurisdiction then given to County Courts was in like manner limited to £20. In the last-named Act similar provisions were made as to enforcing payment. The operation of the County Courts Act was afterwards extended to £50. Now none of these provisions was it proposed to alter, but it was proposed to abolish imprisonment for debt *simpliciter* on final process, except in certain cases, such as libel, slander, &c., which had nothing to do with the matter in hand. Under these circumstances the question arises for what amount, when a judgment had been recorded against a debtor, should there be power to summon the debtor before a Court of Bankruptcy and make him bankrupt if he did not answer. Hitherto the amount had been £50. It was a question of policy whether persons should be made bankrupts on a debt of £20, or whether £50 would not be the proper limit. That was a matter upon which there was a difference of opinion. After the best consideration he had been able to give to the subject he thought it would be wise to keep the sum at £50. If the House thought differently it could be altered to £20. Then the case stood thus:—If they took £50 as the amount at which they made a debtor bankrupt, and the power of enforcing payment under the Small Debts' Process was limited to £20 upon judgment, there would be a gap between £20 and £50, as to which there would be no means of enforcing payment except by execution against the goods. What he proposed to do therefore was to extend to the Small Debts Courts the power of summoning the judgment debtor for judgments amounting to £50, and giving the remedies already existing of examining the debtor, and committing him in cases of refusal to obey the orders of the Court. That was not an extension of the power of imprisonment for debt, but was a necessary remedy in cases of contumacy. It would be for the House to say whether they preferred that a man should be made a bankrupt for so small a sum as £20. If that should be thought right it would not be necessary to make this extension. It

might be useful in connection with this subject to give the number of plaints and summonses ordinarily issued, and in general to show the way in which the jurisdiction of the County Courts had been exercised. This would prove the necessity of a remedy for debts of small amount. From Returns which had been presented to the House of Lords in 1864, and which related to the two years preceding—namely, 1862 and 1863—it appeared that the average number of plaints was 822,000 for each year. These resulted in about 450,000 judgments, and the summonses issued upon these judgments were 121,000. Of the summonses issued, one half were heard, the remainder having been settled out of court. About 61,000 were heard, which resulted in 27,000 warrants issued, and the number of persons actually taken to prison was 8,900 and odd, or within a fraction of 9,000. The average number of days during which persons were actually imprisoned was fourteen; the average amount of debts was £3 12s. The present policy had been to give powers for the recovery of small debts, seeing that credit was taken to a large extent by the labouring classes. But it was an error to say that there was any intention in this Bill to extend the power of imprisonment for debt. Therefore he had not altered that part. Having explained his reasons for retaining this part of his original scheme, he would mention two or three particulars in which he had modified it. A complaint was made on his introducing the Bill that it provided no effectual system of auditing trustees' accounts, on which it was said the success of the Scotch system of sequestration materially depended. His attention was called to it by his hon. Friend the Dean of Faculty (Mr. Moncreiff), who pointed out that the system in Scotland very much depended on an effectual system of audit. He (the Attorney General) had consequently introduced some new provisions to meet this objection. In the 20th, 54th, and 283rd sections of the new Bill he had provided that an accountant should be appointed, who should be a person versed in mercantile accounts, and that the system of audit should be worked out by general orders of the Court, so that changes might be made whenever they were required. A copy of these orders would be laid on the table of the House. Another point to which he wished to refer was the protection of an estate between the date of the adjudication of bankruptcy

and the appointment of trustees by the creditors. By the system now proposed the creditors would be able to take the estate into their own hands, to appoint trustees for the management of the estate, and to have the entire control in their hands. There must always be an interim of from ten days to a fortnight at least between the adjudication and the time at which the trustees could be appointed by the creditors. That could not be avoided, for there must be time to call the creditors together. He had not followed the Scotch system in this point. In Scotland, it was said, they were able to dispense with any interim protection; but all the communications which he had received from persons and commercial bodies of great experience went to show that such protection was necessary. He proposed, therefore, to retain the official assignee, changing his title to that of provisional trustee, who would perform this and various other necessary duties. He would act, for instance, when there were vacancies in the office of creditors' trustee; and when the work of the latter was substantially over, there remained duties which the provisional trustee would discharge—such as with reference to the after-acquired property of the bankrupt. Provisions were also contained in the Bill for making the future-acquired property of the bankrupt—acquired, perhaps, years afterwards—subject to the payment of his debts, and here again it would be found that the existence of a provisional trustee would often be necessary. There was a purely legal question on which he proposed to legislate. It often happened that there were goods in the possession of a bankrupt in reference to which there was a question whether they belonged to him. According to the existing law, though he were merely the reputed owner, if he had obtained credit by means of having them in his possession, he was to be deemed the owner. The procedure for determining this point was unnecessarily complicated. The adjudication did not vest the property in the assignee, but he had to obtain an order of sale from the Commissioners in Bankruptcy, and had then to meet an action on the part of the claimant. The Legislature had of late years shown a disposition to give to all Courts power to determine all questions of fact or law necessary for the exercise of their jurisdiction. He proposed that it should be competent for the Court of Bankruptcy to do so in ques-

tions of order and disposition, thus saving parties the inconvenience of resorting to one Court to ascertain the law, and to another to have it administered. He also proposed a slight addition to the order of discharge. The Bill, as originally framed, provided that notwithstanding such order the future property of the bankrupt should be liable, so as to make up the dividend to 10s. in the pound. To this, Amendments had been given notice of, some favouring the bankrupt, and others dealing with him more severely. Retaining this clause as it stood, he proposed that a condition might be attached to an order of discharge with respect to any income or salary which the bankrupt might at the time be in the receipt of, setting aside a portion to meet his debts. At present a Commissioner had this power under clauses relating to fraud, but he saw no reason why the condition should be necessarily connected with fraud. These were the chief alterations which he had made in the Bill. With regard to the existing interests which were affected, he hoped the arrangement which had been made by the Government would be deemed satisfactory. It was thought equitable that when an officer had served fifteen years and upwards, if his office were abolished he should receive full salary, but if he had served a less period he should be entitled to two-thirds only. Most of the Amendments suggested by the new point of the Bill were formal merely, and he had no doubt that in Committee the Bill might be so framed as to give general satisfaction to the House and to the country.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Attorney General.*)

Mr. MOFFATT said, he regretted that the hon. and learned Gentleman had not stated the principle on which this Bill was founded. Was it a creditor's remedy, or a debtor's escape from responsibility? He found it difficult to answer the question. The whole course of modern legislation had been in the direction of freeing the debtor from the obligations he had deliberately incurred. This immunity had increased the difficulty of the creditor recovering his debt. For the last thirty or forty years this tendency of the law was to be traced in Lord Brougham's Bill, in the Bill proposed by Lord Lyndhurst, and subsequently and still more clearly in the Act of 1861, on which the present mea-

sure was based. The result of the last Parliamentary inquiry was a recommendation by the Committee that the rights of creditors should be more cared for, and that the assets of persons unable to meet their engagements should be more readily available for distribution than under the present law. So strong was the opinion of the Committee that they recommended the abolition of all the present machinery of bankruptcy. The present Bill, however, while it modified that machinery in some respects, maintained its injurious action in others. The creditors special and individual interests were so small that they could not be expected to take any trouble in looking into the insolvent's affairs. The insolvent had no object but to make the arrangement as quickly as he could, and as advantageously as possible to himself. The assets were not collected as they ought to be. The creditor wrote off the debt as a bad debt, and ceased to trouble himself about the matter. This was a grievance and a hindrance of the gravest character to the commerce and trade of the country. The greater facilities they gave to bankrupts and insolvents to settle with their creditors without a thorough investigation of their affairs, the more they encouraged fraud and lowered the mercantile character of the country. When a man stopped payment, and declared himself unable to pay 20s. in the pound, he had from that moment no more right to the assets than any gentleman walking in the streets had to the watch of the Attorney General. Those assets ought to pass immediately to the creditors by the simple process of the Scotch law, and not into the hands of costly and obstructive officials. He thought they had got rid of their old friend the messenger in bankruptcy; but in the present Bill he cropped up again to take possession of the assets. He really did not know why this official should be resuscitated. The Scotch system provided for the prompt security of the assets. The English system, as laid down by the hon. and learned Gentleman, did not make such provision, or at all events did so in a very imperfect manner. He objected to the spirit of officialism which pervaded the Bill. In Scotland there was no such thing as a Court of Bankruptcy. When a man became insolvent the law vested his assets in the creditors, who appointed a trustee. The assets were distributed as between the trustee and the creditors themselves. The

hon. and learned Gentleman provided a trustee, but wrapped him up in officialism to such an extent as to prevent the creditors from getting at the assets which were their property. There were fraudulent creditors as well as debtors. One valuable point in the Scotch system was that the trustee had the power to check the fraudulent proofs of that class of creditors. The English system, contrary to that of Scotland, and in defiance to common sense and honesty, allowed a creditor to prove the full amount of his debt, although he might hold collateral securities for the whole of that amount. [The ATTORNEY GENERAL said, that the Bill made a change in this respect.] Did the Attorney General intend to reduce the cost of bankruptcy? The average charge on estates in England varied from 20 to 40 per cent on the assets collected. In Scotland the average cost was only from 12 to 14 per cent on the assets. There were in the London Court three Commissioners, who were to be Judges, in regard to whose salaries there was a suspicious blank in the Bill. Those salaries, he believed, were to be raised to £3,000 a year. Who paid these heavy sums? They were not paid out of the Consolidated Fund, but out of the proceeds of estates in bankruptcy. In the London Court only there were to be three Judges, say at £3,000 per annum each; a chief registrar at £1,400; seven registrars at £1,200 each; a taxing master at £1,400; an assistant taxing master at £1,000; three new provisional trustees and three new messengers. These were valuable pieces of patronage for the Lord Chancellor, but very valueless and costly appointments for the creditors. In Scotland there were none of these charges. There was collected altogether in bankruptcy in this country little more than £600,000, and for the collection of that sum they proposed to inaugurate several new officers, and to pension others out of property of estates in bankruptcy. He challenged his hon. and learned Friend to point out where, in his numerous series of clauses, he proposed to reduce the expenses connected with the working of the system of bankruptcy, or to simplify the procedure. He must protest against the right given to the debtor to make himself a bankrupt. It ought to be left entirely at the option of the creditors, whether the debtor should go into bankruptcy, or whether his affairs should be settled by composition or other arrangement. Another point most onerous

against the creditors was, that the order of adjudication was to be conclusive against all the world. As the law stood at present, with all its imperfections, there were constantly cases in which deeds of assignment that had been fraudulently made were not detected till months or years afterwards. Under this Bill the rights of creditors who now obtained justice would be expressly barred. The Committee on the Bankruptcy Law had recommended that the insolvent should obtain his discharge when he paid 6s. 8d. in the pound to his creditors. He had not himself been enamoured of that provision. It was open to two objections. First, it might operate as an inducement to debtors to defraud their creditors of the other 13s. 4d. in the pound; next, it might induce them to exaggerate the amount of debts immediately before suspension of payment, and swell the assets in order to bring them up to the limit which would entitle them to their discharge. The provision proposed with reference to the order of discharge offered the feeblest remedy to the creditors. His hon. and learned Friend had started with the announcement that he proposed to make the after-acquired property of the insolvent liable for his previous debts. He now cut down that principle to this. By an onerous and clumsy process, the creditors was to have power of going against the debtor's after-acquired property up to 10s. in the pound. To obtain this partial remedy an individual creditor must first prove that the debtor had enough to pay him and every other creditor the 10s. in the pound. It was very improbable that any single creditor would encounter the trouble, the cost, the risk, and the obloquy attending such a proceeding. This part of the Bill would be a practical shield to a debtor against his creditors. The Select Committee had recommended that the non-assenting creditors should have the right of questioning the validity of any deed of assignment or deed of composition. He looked in vain through that ponderous Bill for any provision of the kind. The measure would not restore public confidence in the administration of the estates of insolvents. It had the taint throughout which attached to every Bankruptcy Bill that had been introduced. It was almost all in favour of those gentlemen who wished to make bankrupts of themselves. There were only about 600 petitions to the Court coming from creditors in the year, whereas

there were between 6,000 and 7,000 petitions made at the instance of debtors. That circumstance clearly showed what little confidence the public and creditors had in the existing system. Practically, the only remedy creditors at present possessed was in assignments. That remedy would be materially weakened by the Bill. He traced a good deal of the imperfections in our bankruptcy system to the sources from which it had emanated. Since Lord Brougham introduced his measure the Bankruptcy Law had been a pet subject with Lord Chancellors and Chancery lawyers. He should be glad if bankruptcy reformers would consult mercantile men. If the House wished to appreciate what had been the effect of their legislation on that subject, it could not do better than look at the operation of the law during the three years before the passing of Lord Westbury's Act. During the first of those years (1858) the amount of money collected by the Court was £1,780,000; in the next year £1,057,000; in the third year £1,249,000. The average for those years was £1,364,000. The number of bankruptcies in those three years were as follows:—In 1858 the number was 1,520; in 1859 it was 1,054; in 1860 it was 1,430. The amount of assets collected in 1864 was £677,536; that collected last year was only £730,361. The number of bankrupts in 1863 was 8,470; in 1864 it was 7,224; in 1866 it was 8,126. From the time of the passing of the Reform Act the Bankruptcy Laws had engaged the attention of Chancery authorities, practitioners, Lord Brougham, Lord Lyndhurst, Lord Chelmsford, Lord Westbury, and the two distinguished Chancery barristers (Sir Roundell Palmer and the Attorney General), who were now applying themselves to the subject. He wished his two hon. and learned Friends could go among mercantile men and hear from them how extremely injurious the present elaborate system of our Bankruptcy Laws was to business operations, how it facilitated the commission of fraud and defeated creditors. His hon. and learned Friends would arrive at the conclusion that what was wanted in this country was a simple and plain system like that which was in operation in Scotland. There had been a long experience of the Scotch plan. The Scotch people would not give it up for the English system. He had to express his regret that the Bill of his hon. and learned Friend was not more efficient.

He trusted that his hon. and learned Friend would carefully re-consider the subject. His enormous Bill required great alteration. He hoped the hon. and learned Gentleman would subject it to extensive revision and simplification, and trusted that it would not be pressed in its present shape, as so far from being of service to the country, it would perpetuate the evils of the existing system.

MR. SELWYN said, that in 1861 he had raised the question of making the after-acquired property of the insolvent chargeable with his debts. Though the opinions he then advanced did not prevail, subsequent experience had given great force to the observations made by those who concurred with him. Under the old law a marked distinction was drawn between bankrupts and insolvents. The latter after passing their examination obtained a protection and a discharge. But they were obtained only on condition of a warrant of attorney being entered up, giving the Court, at all times and under all circumstances, an opportunity of making their after-acquired property available for the discharge of their debts. This power could only be exercised at the discretion of the Judge, and could any one allege that it had ever been used in a harsh or unjust manner? Why should such a provision be given up? He was told that it was desirable to have "uniformity." The bankrupt, under the old law, was not fettered in the future, because it was assumed that he had proved that he had honestly endeavoured to discharge his obligations, and that he had been unable to do so owing to losses in his trade. But that was not the case with an insolvent. There the debtor, knowing his means, chose to exceed them and spend the property of others. Anything such a man acquired belonged to those whose property he had expended until his debts were discharged. The acquittance given to the bankrupt was a sort of premium to encourage trade. It could not be regarded in that light when extended to the insolvent. The system of uniformity had been attended with very mischievous results. He repeated now what he had stated before, that for every article we purchased we paid an enhanced price by reason of the bad debts of persons who did not pay for what they had; and he believed that the sums we paid in this way amounted to more than any tax we paid to the Imperial Exchequer. The question was in what manner ought the

evil to be remedied? The Bill of last year proposed to free the insolvent after a limited time on his paying a dividend of 6s. 8d. in the pound. The present Bill went a little further in the creditor's favour, but it was open to exactly the same objection in point of principle. There was a general concurrence of opinion that the present state of the law was extremely unsatisfactory; and the evil would not be remedied by the provisions of this Bill. A man under these provisions might contract a debt of £10,000 without any reasonable expectation of paying it, and by fraudulent means obtain a further sum of £10,000. The utmost penalty the Bill would impose upon him was the suspension of his certificate for three years; and supposing he should be able to pay a dividend of 10s. in the pound he might set all his creditors at defiance, protect all property he might afterwards acquire, and live in luxury, while the man whom he had wronged might perhaps be in penury. Therefore, a man who had acquired £10,000 by fraud, and had thereby succeeded in paying 10s. in the pound, would go scot free after three years. The law enabled an honest debtor to charge all his future property with his debts; and why should a man be in a better position because he had given all the security he could to his creditors? Until a debtor re-paid the sum due by him, the after-acquired property was not his own, but came to him subject to the payment of the debts he had previously incurred. That was an answer to the objection that they should not tie a millstone about a man's neck all his life. If a clause were introduced in reference to the case of an honest trader, who had failed in consequence of the unavoidable risks of trade, giving to him the same indemnity as he would have obtained under the old Bankrupt Law, he (Mr. Selwyn) would not object to such a claim; but it should not be universally applied. He hoped his hon. and learned Friend would consider the points to which he had referred. He (Mr. Selwyn) did not wish to press his Amendments hostilely, and would rather see them incorporated by his hon. and learned Friend in his Bill.

SIR ROUNDELL PALMER said, that if this Bill did not give complete satisfaction to the House and the country that would not be owing to any want of ability or care bestowed on the subject by his hon. and learned Friend, but solely to the great difficulties it involved. It would not be

easy to exaggerate those difficulties. One of the chief was to reconcile the different opinions entertained by those who took a judicial and those who took a commercial view of it. The attempts made last year, and in the present Session, to consolidate and amend the Bankruptcy Law, if they did not show how to remove all anomalies from it, at least tended to put it in a much more satisfactory condition than it was in before. The House would naturally expect that he should address his observations to those points of the Bill which involved questions of principle, and more particularly to the deviations from the Bill of last year. Notwithstanding the remarks of the hon. Member for Southampton (Mr. Moffatt), he thought that the Attorney General had proceeded on the correct idea of administering the property of a bankrupt for the benefit of his creditors. But there were some points in the arrangements which it might be desirable to amend. As to the means to be taken to make a man a bankrupt, there were one or two deviations from the Bill of last year. He was by no means satisfied that the changes were improvements. Now that imprisonment was to be abolished and bankruptcy was to remain the creditor's only remedy, it did not seem expedient to retain the provisions of the present law, which required that the debt of one petitioning creditor must be £50, those of two petitioning creditors £70, and those of three or more £100. He did not see on what principle of justice the power to make the debtor bankrupt could be refused to a creditor whose claim was £49 10s., when it was given to one to whom the debtor owed £50. The answer to the objection that if there were no limitation creditors might lodge petitions for trifling sums was, that if a debtor would not pay a small sum, it was so much the clearer that he was a person who ought to be made bankrupt. If the sum were small, and he had the means, he ought to be made to pay. He was sorry the hon. and learned Gentleman had reversed the decision arrived at last year as to debts of non-traders contracted before August 6, 1861. In 1861 non-traders were for the first time made liable to bankruptcy, all other legal remedies being then left untouched. It was enacted that debts contracted before the day on which that Act came into operation should not be debts in respect of which a non-trader might be made bank-

rupt. But six years had since elapsed; and there could be no reason for continuing the exemption if such debts still remained unpaid, especially as the remedy against the person was now to be taken away. He had understood the Attorney General, when he introduced the Bill, to say that he proposed to allow a debtor to call his creditors together and to enable them, on a declaration of insolvency by him, if they thought it necessary, to take measures for making him bankrupt. That would not be objectionable. But the Bill empowered the debtor himself to make a declaration of insolvency and afterwards to obtain an adjudication as a matter of course. What right could a trader have to take away at his own option the legal remedies of his creditors? If they did not think it their interest to make him a bankrupt, and preferred to rely on ordinary common law remedies, the debtor had no right to take away their common law remedies, and to force them at his own time and in his own way into the Court of Bankruptcy, to take what they could get. What sound reason could be given, under such a Bill as this, for allowing the debtor to make himself bankrupt? By abolishing imprisonment for debt they took away the only sound reason which ever had been given for enabling a debtor of his own motion, and against the wish of his creditors, to make himself bankrupt. He hoped that that point would be carefully considered by the House. As to the steps between bankruptcy and discharge, he was glad that effect had been given in the present measure, as it was in that of last year, to the recommendation that the Scotch system should be in the main adopted. The benefit of the Scotch system was that it removed the administration of a bankruptcy as far as possible from the Courts of Law, and made it as much as possible a self-acting system, under the management of those to whom the property virtually belonged. It placed the matter as nearly as possible on the same footing as administration under trust deeds. He objected, however, to the proposal that the Court of Bankruptcy should have jurisdiction to determine whether property found in the hands of the bankrupt was to be treated as part of his estate on the ground that it was placed in his apparent ownership with the consent of the real owner. It seemed very much like a departure from sound principle to say that a Court intrusted with the administration of the bankrupt's

property for the benefit of his creditors should be empowered to determine the adverse title of a third party. Supposing the question to be the right to land, he was sure that his hon. and learned Friend would say that that was a question to be decided by another court. Why should not the same principle hold good in the case of personal property which might be worth thousands of pounds? The question of discharge was a most difficult one, and he was by no means satisfied with the proposal in his own Bill for a dividend of 6s. 8d., and a limitation of six years. On the other hand, there were great difficulties in the view taken by his hon. and learned Friend (Mr. Selwyn), that there should be no limitation at all to the claims of creditors as against after-acquired property. In substance, this was a proposal that there should be no discharge. It was doubtful whether, if that was a sound system, it would not be well to abolish the law of bankruptcy altogether. In analogy to the provision contained in the Bill of last year were the Statutes of Limitation, whereby debts which in conscience were due became extinguished after a certain term if legal steps were not taken to keep them alive in the interval. The principle of discharge appeared to be in the nature of a compulsory composition. Trust deeds prescribing a voluntary composition were found to be a common and convenient mode of settling questions between debtor and creditor. They justified the Legislature in saying that there should be a compulsory composition upon certain terms, putting bankrupts in the same position as those who had voluntarily compounded. To keep this perpetual liability hanging over a man would diminish his chance of paying his former creditors. Under the Bill of last year it was proposed that a bankrupt who had committed no offence under the Act might receive his discharge if he paid a dividend of 6s. 8d. in the pound; if not, then at the end of six years. His hon. and learned Friend raised the amount to 10s., getting rid of the six years' limitation, and making the bankrupt's after-acquired estate always liable for the remaining sum. It was doubtful whether this provision would be of much value to creditors. In the case of after-acquired property the court was to have power to make an order for the payment of the balance due from the bankrupt. If the money were not paid there was to be a second bankruptcy, the new

creditors being paid first and then the old ones. That would be a difficult remedy, and one that probably would not work. If so, the terms of the discharge, though apparently stricter than those proposed last year, would really be easier, and would also operate very unequally. The Bill of last year proposed not to give a discharge to bankrupts convicted of a misdemeanour under the Act. It was wrong not to make an exception in this case. With regard to the penal clauses, he would not at present inquire how far it was right to extend the amount to which, under the Small Debts Act, the power of imprisonment would apply in cases of contumacious non-payment on the part of persons able to pay. It would be always very difficult by satisfactory proof to get at the fact of ability to pay, and, looking to the arbitrary power already given to the courts, he felt unwilling to extend it. A distinction might, no doubt, consistently with sound principle, be drawn between those who contumaciously would not pay, and those who really could not. In certain cases—such, for instance, as that of persons earning weekly wages, and in general where there might be a difficulty in putting by money—some power of this kind must be relied on. It was desirable therefore to retain that power, provided it was not carried beyond due limits, which he did not mean to say his hon. and learned Friend intended to exceed. He could not, however, entirely approve some of the extensions which he found in the Bill. Last year he had endeavoured to impress upon the House that they should not avail themselves of the law of bankruptcy in order to treat things as criminal which, apart from bankruptcy, would be treated differently. There were things which were open to a certain amount of censure *in se*, which they did not think fit to treat as criminal by the general law. These things ought not to be so treated, merely because the person guilty of them had become bankrupt. If that principle were sound, certain exceptions which were made in the Bill ought not to be retained. His hon. and learned Friend proposed that imprisonment for debt should still remain where more than £20 had been recovered for damages in actions for slander, assault, battery, seduction, breach of promise, malicious trespass, and so forth. These things were either punishable under the law as it stood, or they were not. If they were, it was not necessary to make them the

subject-matter of penal enactment under this Bill. If they were not, he objected that things which were not criminal under the general law should be made so under the law of bankruptcy. He did not see upon what sound principle a man should be imprisoned for debt resulting from a judgment upon a particular course of action, if he were not liable to imprisonment for the thing which was the cause of action itself. Take the instance of a libel. On what conceivable grounds should a man, not sentenced to imprisonment as a libeller, be imprisoned when he was declared a bankrupt? To make the law of bankruptcy an indirect method of punishing adultery, libel, or any such offences, should not be allowed. To say that the suspension of a man's discharge for three years might take place because he had had judgment against him for libel, slander, assault, adultery, and so forth, seemed to his mind as opposed to sound principle as anything could be. These things had nothing to do with bankruptcy. His hon. and learned Friend also proposed to suspend the discharge for three years for various other causes. The first was, if the bankrupt had committed any act of the nature of a misdemeanour, but had not been convicted thereof. If a man was convicted *à fortiori* they should punish him. To say that conviction gave a man a right to discharge, when he would not have that right if he had not been convicted, seemed unintelligible. With regard to the judicial arrangements, he had proposed last year to utilise the services of existing officers as far as he could, so as to avoid saddling the country with unnecessary compensations. It was reasonable that a period of fifteen years' service should entitle to full compensation, leaving other cases to a *quantum meruit*. But he did not see why the services of the existing bankruptcy officials should not be made available, so far as practicable, for County Courts, or otherwise, in the country districts. He was an advocate for making as much use of them as possible, and for paying nothing that he could help out of the public purse, without receiving a *quid pro quo*. He looked with a little alarm upon the reappearance of official assignees and messengers. He deprecated the harpies of the law seizing upon property as soon as the bankruptcy took place. Strong evidence was given before the Committee of 1864, that it was their too frequent practice to hurry on sales in a ruinous

Sir Roundell Palmer

way. The proper principle was to leave the property, so far as possible, under the power of the creditors. As to an interim receiver, he should prefer not to make such an appointment an invariable rule, but confine it to cases where it was specially required. He was surprised to find it proposed that superannuations should be granted by the Lord Chancellor. That system was abolished by an Act of last Session, and it would be unwise to revert to it. In conclusion, he would only repeat that his hon. and learned Friend the Attorney General deserved the thanks of the House and of the country for the contribution he had made towards the settlement of this question. He should be happy to render him any assistance in his power.

MR. J. STUART MILL: The laws of this country on the subject of debt have passed, not suddenly, but by a succession of steps, from one bad extreme to another. After having continued the old savage treatment of debtors far into an advanced state of civilization, we have now gradually lapsed into such a state that the debtor may be guilty of any kind of misconduct, short of actual fraud, and escape with practical impunity. Last year, for nearly the whole of the Session, I had a Notice on the Paper for an Instruction to the Committee, that it have power to remedy this evil by introducing provisions for the punishment of such debtors as might be shown on inquiry to have, with culpable temerity, risked and lost property which belonged to their creditors. The Bill of last year never reached such a stage that I could move that Instruction. The present Bill has passed the stage when a similar Instruction could be proposed. Under these circumstances I shall give my best support to the Amendments to be proposed by the hon. and learned Member for Cambridge (Mr. Selwyn), and I shall move other clauses going further in the same direction.

MR. KARSLAKE said, he agreed with the hon. Member for Westminster (Mr. Stuart Mill) that the commercial immorality practised during the last few years, and which had occasioned incalculable suffering, required legislation. What was wanted was to draw a line between the barbarity of the old law and the laxity of modern times. They had all had experience during the last few years of the enormous evils that had been occasioned by persons in commerce dealing unjustly with the property of others. Every one felt that some re-

medy was required. The hon. Gentleman had almost copied the words of Lord Coke, who said that—"we had taken the name as well as the wickedness of bankrupt from foreign countries." This Bill—subject to improvements in Committee—to some extent accomplished the difficult task of remedying these evils. With regard to after-acquired property, it would be better to provide, not that it should be all seized, but that a competent tribunal should investigate the matter. If there were no equities interfering with the *prima facie* rule that a man who had the means should pay his debts, they should make that property liable. The old law was very stringent in regard to after-acquired property. The statute of Elizabeth somewhat relaxed that of the 34 & 35 Henry VIII., but it proceeded on the same footing, and made the debtor liable to the extent of his after-acquired property. It gave stringent powers to the Lord Chancellor or Lord Keeper to seize the bankrupt's person or property. The statute of Anne was more lenient, and freed the person after the cession of his property. A more lenient view was afterwards taken on this subject. The tendency of modern legislation had been perhaps too much in the opposite extreme. The problem for the House to solve was to reconcile two conflicting principles—that applied to traders and that applied to non-traders, on the one side not to be so harsh as to ruin a man who had been unfortunate, and on the other side not to allow a man to ruin others. The present Bill seemed to hit the medium between too great severity on the one hand and too much leniency on the other. He agreed with his hon. and learned Friend (Sir Roundell Palmer) that the principle of the present Bill was to place the administration of the law of bankruptcy as little as possible upon a curial footing. The best source of information on this subject was to be found in the Report of the Commissioners appointed to consider the Law of Bankruptcy in 1854. The Report of that Commission contained the soundest and most prudent views, and the present Bill would be found to be based on their recommendations. He could not conceive a Commission better calculated to represent the opinions of all classes on this subject. It contained the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), who had given much time to the study of bankruptcy, and also the hon. Member for

Kendal (Mr. Glyn), whose name stood as high as that of any man in the commercial world. In proceedings for winding up companies, under the Act of 1862, the question had been long considered whether there should be compulsory liquidation, or whether there should be a winding up under the supervision of the Court. The present Lord Chancellor consulted the Judges on this subject last July, and the decision to which they came was that where it was possible it was advisable to hand over the assets to the creditors and let them administer their own estate. The main principle of the Bill was to let those who were above all interested in dealing with the estate take it into their own hands and deal with it as they preferred. He failed to discover any better remedy for the evils of which the hon. Gentleman (Mr. Moffatt) complained, than was provided by the present Bill. It seemed as if it were the want of more honesty on the part of the commercial world of which the hon. Gentleman complained, rather than the want of a better system. As to the objections of his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer), who was a most able critic on this subject, they appeared to be objections of detail rather than of principle, and not likely to stop the progress of the measure. Many hon. Members must regard with apprehension so cumbrous and ponderous a Bill; but he was glad to find that at least four-fifths of the Bill of 105 printed sheets did not refer to any alteration in the law. It frequently embodied the clauses of existing Acts, often couched in improved language and taking advantage of the decisions of the Courts where the law had been clearly laid down. He did not know why because a man could not pay his debts they were to look back. The matters of principle involved in the Bill lay within a very narrow compass. In the points suggested by the hon. and learned Member for Richmond he (Mr. Karslake) did not think there was one likely to involve much discussion except that relating to after-acquired property. As to the observations which had been made relating to special cases that might have to be met, no system of law could avoid anomalies, nor could they expect to avoid overstepping now and then the laws of logic. The more the Bill was looked into the more satisfactory it would appear. He was able to say that without any indelicacy, because he had had nothing to do with its preparation.

Viewing it fairly and impartially, it was a comprehensive measure, and one that effected a very considerable improvement in the law. At present lawyers did not know where they were in respect to the law of bankruptcy. The Act of 1861 repealed all former Acts as far as they were inconsistent with its provisions. That left the law very uncertain. Now they would have a clean sweep made, and anybody who wished to know what the existing law was would have a document to inform him, long, no doubt, but complete in itself, and easy of reference. If, in addition to the other achievements of that Session, they could pass a Bill of that importance, and one which would remove a serious blot on our commercial morality, it would be a source of great satisfaction both to the House and the country.

Mr. GOSCHEN said, he hoped that as so few commercial men had as yet addressed the House, he might be allowed to say a few words upon it. No one could have listened to the debate without having become fully aware of the difficulties which surrounded the subject, and the almost hopeless task of arriving at a settlement that would be satisfactory to all classes. The hon. Member (Mr. Moffatt) believed that bankruptcy consisted above all in taking the estate of the bankrupt into the charge of the creditors, and in rapidly and equitably distributing the assets. On the other hand, the hon. Member for Westminster (Mr. Stuart Mill) intended to move clauses to render acts of commercial immorality penal. He would thus embody with the question of distributing assets, a code of commercial morality involving an investigation to see whether or not there had been acts of culpable temerity on the part of the bankrupt. Points of such a character were most difficult to determine. That which, when it was successful, might be regarded as a legitimate venture, might, when it failed, be called culpable temerity. The commercial classes were themselves the persons most interested in commercial morality, for they were the chief sufferers by any laxity in it, and they were therefore most interested in seeing fraudulent acts made penal, and treated as such by the criminal courts. But how could the Court of Bankruptcy, which had to collect and distribute a debtor's assets, deal satisfactorily with those penal offences? The hon. and learned Member for Cambridge University (Mr. Selwyn) had given cases where certain

people were said to have committed fraud, but those people ought to have been punished quite irrespectively of whether they became bankrupt or not, their criminality being independent of their bankruptcy. The collection and distribution of assets was not so simple a process as was often assumed. Nothing was attended with more difficulty than a liquidation. The business was taken out of the hands of those who knew most of, and had most interest in it, and placed in the hands of those who had small interest, and sometimes conflicting interests, in the matter. The smallness of the assets of bankrupt estates as frequently occurred from the difficulty of realizing as from fraud. The House had to consider whether creditors could deal satisfactorily with an estate, without the intervention of a Court of Law and a system of checks and counter-checks. It would be found very difficult for creditors to manage the affairs of a bankrupt without some machinery provided to maintain supervision over them. There were many questions which required some impartial man to solve them, especially those in reference to preferential claims. The hon. Member for Southampton (Mr. Moffatt) rather underrated the necessity of legal supervision over the realization of the assets of insolvent estates. The needy creditors might wish to force a sale at a great sacrifice, while the wealthier creditors might prefer to wait till the markets improved. The creditors of a bankrupt estate were much in the same position as the shareholders of a limited liability company with no Articles of Association to regulate their relations. They were sure to get into difficulty unless some proper legal machinery existed for assisting them in the realization of the assets. If a trustee under a will had doubts how he was to act, he put the estate into Chancery. Something very analogous would take place in cases of bankruptcy if the creditors elected a trustee. The creditors were to be empowered to elect trustees and inspectors. But who would act as trustee if there was not some fixed rule as to how he was to deal with the various creditors. The advantages to the creditor under bankruptcy must be placed in juxtaposition with the disadvantages. The disadvantages were principally that the creditors lost their title to after-acquired property. But they had the advantage of the law stepping in to give them a speedier, cheaper, and safer realization of

the debtor's estate than they would have under common law, or if left to take their own remedy. If the bankruptcy law failed to give this, it failed in what was its chief object. Sometimes the question was asked whether the bankruptcy law should not be abolished altogether, and the creditors retain their right to after-acquired property, but lose their right of dividing the debtor's property at once. He thought that the difficulty and expense of each man proceeding for himself would be so great that a bankruptcy law was preferable to that. If, as the hon. and learned Gentleman (Sir Roundell Palmer) suggested, no man should be able to make himself bankrupt, then the creditors would be able to determine whether there should or not be bankruptcy. A question was raised whether the Bill was right in providing that after-acquired property should not be responsible to the full extent. The hon. and learned Member (Mr. Selwyn) argued as though the present and natural idea was that such property ought to be liable. But for a long time it had been almost universally held that it was for the public good that such property should not be liable. There would be great difficulty in carrying out the suggestion of the Committee of 1865 as to the dividend of 6s. 8d. As to the proposal to render after-acquired property responsible to the extent of 10s. in the pound, it was desirable if practicable. But there would be great difficulty in carrying it out. A bankrupt would feel as though he was always liable to be made bankrupt over again by means of the provisional trustee pouncing down upon him and taking his after-acquired property. He did not know but that it would be better that a bankrupt should be liable to the whole 20s., with a proviso that a certain portion only of his after-acquired property should be taken at any one time. Such a system would not deprive a man of all inducement to work on to acquire property. The question, however, was surrounded with difficulties, and perhaps the compromise suggested in the Bill might be the right thing to try. If a creditor were able at any time to demand his debt of the bankrupt it would be impossible for the bankrupt to acquire property under such circumstances, because the creditors would not allow him time to do so. No doubt the proposal in the Bill was a most important change. If it were carried out, it

would go far to get rid of fraudulent bankruptcies. He could not view with satisfaction that part of the Bill which introduced again into the Bankruptcy Court inquiries into the conduct of the bankrupt, and mixed this question up with that of the administration of the estate. The hon. and learned Gentleman who had spoken last had alluded to those as time-honoured provisions. But the question was whether they had been successful. Had they led to the punishment of fraudulent bankrupts? The Commissioners had been allowed a discretion in every case, and they had exercised it by letting everybody off. If it were not possible to make those clauses efficient, it would be better to strike them out and look to other means for doing what they had been intended to effect, but had not effected. He was glad the Government had followed the recommendation of the Committee of 1865, that prosecutions for misdemeanours should take place not at the expense of the creditors, but should be paid for as prosecutions for felony were paid for. The creditors of a particular bankrupt were no more interested in punishing him for misdemeanour than were the commercial public generally. The Bill before the House did something for the debtor and something for the creditor. It improved the position of the debtor by the abolition of imprisonment for debt. Imprisonment for debt having been ineffectual to prevent fraud, public opinion generally was against it. At the same time, he had received a good many communications in which the writers protested against such abolition, unless the greatest precautions were taken, so that fraud should still be punished. But it must be remembered that there was a great difference between a debt and a fraud. Imprisonment for fraudulent debt was a very different thing from imprisoning a man because he could not pay. On the other hand, the creditors would obtain several advantages by the Bill. The subject-matter of the bankruptcy would be more in their hands. He approved of some official machinery being still proposed to be retained. Some official machinery was necessary to which the creditors might appeal in case of need; but the less necessity there was for such appeal the better. He did not think it could be said that the Bill went too far in the direction of officialism. Some sort of official machinery was necessary to prevent the abuses of creditors among themselves

and to assist in the speedy and effectual realization of the assets. He was glad that legal Gentlemen took such an interest in this subject. A satisfactory settlement would only be obtained by a free interchange of opinion between those who were practically engaged in commercial matters and those who, knowing the desires and the wants of the commercial classes, could put them in such a legal shape that they would carry out their views without giving rise to new evils in the place of those which it was intended to remedy.

Mr. FRESHFIELD said, that after the exhaustive criticism the Bill had undergone, it would be wrong if he were to occupy the time of the House for more than a few minutes. He agreed with many of the observations of the hon. and learned Member for Richmond (Sir Roundell Palmer), and with none more than his last, in which he expressed his sense of the obligations the House was under to the hon. and learned Attorney General for the time, attention, and labour he had bestowed upon the subject. He might add, what the hon. and learned Member for Richmond could not, that that hon. and learned Member himself had also rendered most important services to the cause of bankruptcy reform. He had listened to the speech the hon. and learned Gentleman made on this subject last year, which was one of the most profound and lucid that he had ever heard, even from him. But the Bill to which that speech was the preface was scarcely worthy of its author. It was modelled upon the Scotch Bankruptcy Law, and seemed to have been drawn by some one who was unable to adapt its principles to the modes of English law. The measure betrayed the defects which might thus have been anticipated. The Bill of the hon. and learned Attorney General had not these defects. It was an able measure, and ably drawn. The Bill of last year proposed to reduce the number of Commissioners from three to two. It also had a provision that the bankrupt should not be discharged from further responsibility except on condition of his paying 6s. 8d. in the pound. There was no principle in that stipulation. The Bill of the present Session proceeded on the proper principle of a consolidation of the Bankruptcy Law. It also abolished that last remnant of barbarism, the imprisonment for debt on final process. It continued the three Commissioners, and it gave them the title of Judges.

Mr. Goschen

He trusted, notwithstanding what had been said by the hon. Member for Southampton (Mr. Moffatt), that it was the intention of the Government with their new name to increase their salaries. They were fairly entitled to it. No one had rendered more important services to the Bankruptcy Law than the senior Commissioner Mr. Holroyd. The arrangements for settling estates out of the Bankruptcy Court were most useful. He agreed with the suggestion of the hon. and learned Member for Richmond that some official connection with the Court ought to be associated with these arrangements. The deed of arrangement ought to be final. But it ought to be brought in the first instance under the cognizance of the Court. It would be well that such an officer as the official assignee should be appointed to superintend these arrangements. They all knew how often it happened in those private arrangements that liberty amounted to license. The great desire was to spare the feelings of the bankrupt. The solicitor of the creditors was his solicitor; the inspectors were his friends, and thus there was great laxity in the inquiry. If one of the official assignees were appointed, who would not be actuated by these feelings, and who would be careful to inquire into such matters as post-nuptial arrangements and preferential payments, much good might be effected for the creditors. The hon. Member for Southampton need not be afraid that this would lead to any outrageous expense, for the official assignee was already paid, and by a salary. It would lead to a more proper administration and a fairer division of the assets than often took place under the present system. There was another provision which he thought well entitled to a trial. That was that the after-property of a bankrupt should be liable for his debts to the extent of 10s. in the pound. It might be said that this was a retrogressive step; to a certain extent it was so. Parliament had entertained the hope that, though a bankrupt was legally free from his debts, his own sense of morality would step in and induce him to pay them when he had the power. But as it was now proved that private morality was lax in this respect, it was right that Parliament should step in and enforce the claim. The particular object he had in rising was this. The Attorney General proposed to constitute a central court of the three Commissioners, who were to be called Judges. The Bill

gave them power to sit together. It gave an appeal from their decisions, as now, to the Lords Justices. It constituted fifty or sixty independent and separate Courts—the County Courts were all of them to have original jurisdiction in bankruptcy. The danger of this arrangement was that there would not be uniformity in the practice or in the legal views of these independent courts. Each Judge would take his own view, and the danger would be that there would arise a conflict of authority and practice. It was true that an appeal would lie from each of these Courts to the Lords Justices. But a Court of Appeal was not the place to settle small questions of practice or of law. It appeared to him that all the County Court Judges should be placed in close and immediate communication with the Central Court in London, and that all appeals in matters of practice and law should be made to the Central Court in London. The Judges would have ample time to deal with these questions. He hoped the Attorney General would accept this suggestion, as he thought it would be a great improvement in the Bill.

MR. AYRTON said, he regretted that his hon. and learned Friend the Attorney General had not been a member of the Committee from which the idea of this Bill had come; if he had been he never would have fallen into such a misapprehension of the views of the Committee. The most glaring misapprehension of the views of the Committee was shown in this, that the Bill related to bankruptcy rather than to imprisonment for debt. The Committee considered that before taking any step with reference to bankruptcy they ought to determine what they would do with reference to imprisonment for debt. His hon. and learned Friend had not grappled with that fundamental question. Instead of abolishing the punishment of imprisonment for debt he had re-produced all the old abuses. One of the worst of them was making a distinction between the pretended rich bankrupt and the unfortunate poor. He said pretended rich, for no bankrupt could be really rich; but he was presumed solvent till the discovery was made that he was deluding mankind. If a man by his family connections or by making pretences in trade became bankrupt for a larger debt than £50, he would be free from obligation. But if his debt was less than £50 he must go before the County Court, must appear there from time

to time, would be liable to be ordered to pay by instalments, and if he did not he might be sent to gaol from time to time. This might be done at the instance of creditors, however humble, while the pretended rich were exempted from these proceedings. So unjust was the law, that if a man owed a number of debts to the amount of £10 or £15 each, if he could induce a friend to lend him a sum of money in order to contract a larger debt, he might then go before the Court and wipe out all the small debts, so that he would not be liable to the County Court process. On what principle did the Attorney General defend these proceedings? The Committee to which he referred had better appreciated their duty, and they declared emphatically that imprisonment for debt should cease altogether. The Committee would allow of no exemption for the poor, or any benefit for those who were in a higher position. Now the poor were placed in the same category with those a little above them it was possible the poor might be saved by this association.

Committee deferred till To-morrow.

SPECIAL AND COMMON JURIES.

MOTION FOR A SELECT COMMITTEE.

VISCOUNT ENFIELD said, he rose to move for a Select Committee to inquire into the causes of, and perhaps to suggest a remedy for, the unequal way in which the laws relating to Juries pressed upon citizens. The present course of proceeding in London and Middlesex in respect of juries, particularly of special juries, caused great inconvenience to jurors, was disadvantageous to suitors, and was not satisfactory either in the conduct of litigation or the administration of justice. He therefore desired the appointment of a Select Committee to see whether the law could not be made in London and Middlesex similar to what it was in other parts of the country as regards the striking of panels, the more careful revision of the lists, and the adoption of means by which the labour of serving might fall more equally upon those liable. In the country special jury panels were summoned under the provisions of the Common Law Procedure Act, passed in 1852. But London and Middlesex were not under its operation. In the country one general panel of special jurors was summoned. They tried all the causes referred to them. They were used accord-

ing to the discretion of the Court, and they were usually informed of the number of days they had to serve. In London and Middlesex the case was totally different. Assuming that in one of the Superior Courts four causes were set down for trial, it would perhaps happen that there were twenty-four jurors on each panel. So that ninety-six would be brought to the Court every morning. With one general panel, such as was called in the country, probably eighteen jurors would be enough. But this was not the full extent of the grievance under which London and Middlesex jurymen laboured. When they attended the Court they were left in the greatest uncertainty as to when they would be required to consider a case. They might be summoned on a Monday and kept in suspense until the following Wednesday week. They might then find the causes they had come to try were either compromised, or had been withdrawn. The same man might find himself summoned to three of the Superior Common Law Courts, the Chancery Courts, Divorce Court, and other courts at the same time. The highest legal authorities had condemned the inequalities and injustice of the system. He found in the Report of the proceedings in the Court of Common Pleas, on the 16th of February, at Guildhall, before Lord Chief Justice Bovill, a record of the following incident:—

“A special jurymen this morning complained to his Lordship of the unjust selection of jurymen. For himself he believed that he had been called upon to serve every sitting since he had been in business; his partner was frequently summoned at the same time as himself, and at that moment they both had summonses to attend in this very court. At the same time it was well known that hundreds, and even thousands, of their brother merchants were exempted from service altogether, either by the operation of the law or by the way in which the law was administered. The Lord Chief Justice said that the attention of those whose duty it was to alter the law had been for some time called to the matter. While he himself was a Member of Parliament he had taken the matter up at the suggestion of the late Lord Chief Justice Erle. What was complained of could not altogether be remedied under the present law. By it the juries were drawn by ballot, and it frequently happened that the same jurymen were drawn over and over again, while others were not called on for long together. A practice had also grown up that when a jury had been struck in one case the parties in other cases accepted the same jury. These things led to injustice to jurymen, and at that moment he had twelve summonses sent to one gentleman for one sitting. The subject was now under the consideration of the Solicitor General, and it had received great consideration for some years past from Mr. Erle,

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who had published a paper calling attention to the matter. In the country a general panel of special jurors was summoned instead of having a special panel for each case, and it was well worthy of attention whether the country system could not be applied to London. Business had also very largely increased in London. There were six Courts sitting now, while there used formerly only to be three, and in addition there were a great many compensation cases. If any committee of jurymen or any individual jurymen would make any practical suggestion to Mr. Erle, he (the Lord Chief Justice) would take care to forward it to the proper authorities.”

On the 21st of February in the Divorce Court he read that—

“At the sitting of the court a gentleman made a complaint of the number of times that a person who claimed exemption as a barrister, and who was unable to attend to-day, had been summoned upon special juries. His Lordship said he quite agreed in the remarks which had been made in other courts, that the summoning of juries was at present conducted upon a most mischievous system, but he had no power to alter it.”

The Lord Chief Justice of England, when sitting at Westminster, had his attention drawn to a most extraordinary case—

“One of the gentlemen on the special jury panel for Middlesex complained to his Lordship that he had received eight summonses in eight different cases in the course of the present week (June 23, 1866). The Lord Chief Justice, after expressing his regret that the complainant should be inconvenienced, said there really ought to be some notice taken of the matter in Parliament. He believed that the present very unsatisfactory state of things arose from the defective lists sent to the sheriffs by the parochial officers, the result of which was that there was not a sufficient number of special jurors from which to strike the panels. Seeing Mr. Bovill present, who was one of the leading members of the Bar, and also a Member of the Legislature, he had thought this a proper occasion to express his opinion on the subject. Mr. Bovill said he had intended to bring the matter before the House of Commons, because it did seem remarkable that any gentleman should receive eight summonses in one week. Would his Lordship give him permission to repeat what he had said to-day? The Lord Chief Justice said certainly Mr. Bovill might use his name, and add that he requested him to take such steps as would, it might be hoped, tend to facilitate the administration of justice.”

Again, before Lord Chief Justice Erle on the 30th of June, 1866, he read that—

“A special jurymen addressed his Lordship, and said that he wished to protest against the system of summoning special jurors. He said that he had been summoned every session for upwards of twenty years, and this frequency of service he submitted could hardly be accidental, considering the long period over which it had extended. He received from one to three summonses every sitting; his brother and partner was as frequently summoned; and, in addition, he himself had to do duty at Westminster as a special jurymen for Middlesex. He was perfectly willing to perform

his share of the public duty, but he must say that he did so under a feeling of wrong, in consequence of the impression that the summonses were not fairly distributed. The Lord Chief Justice assured the gentleman that everything was done by the officers of the court in accordance with the spirit of the observations which had been made, and added that but for the pressure of public business a Bill would have been brought in to put the system upon a wholesome footing. That Bill would have provided for the summonses being impartially distributed; for the jury having occupation while they were in attendance; and for making the pressure upon them about one-tenth of what it was now. The evils which were complained of existed only in the metropolis, and it was very desirable that gentlemen who felt the inconvenience of the present system should represent the matter to their Members of Parliament, so that it might be brought before the Legislature."

He believed it was possible to introduce a measure which would at once put an end to the state of things described in these reports; but he thought it more becoming his position as a layman if he moved for a Select Committee, in the hope that official support would be given to the reform he desired to initiate. Another subject of complaint in connection with this matter was the system of favouritism which was believed to prevail by the manner in which the sheriffs' officers performed their duty. It was suspected from the way in which some were continually being called upon, and others continued to escape from the obligation, to serve, that some such practical remonstrance as an occasional present was made to those whose duty it was to summon jurors. Numbers of persons secured to themselves a total exemption from being summoned, and thus threw the whole burden upon a comparatively small body of men. This evil loudly called for reform. Another just ground of complaint consisted in the fact that, although a special juror would be entitled to a guinea if actually sworn, he might wait for many days and yet receive nothing, because it had happened that he was not wanted. It was open for consideration as to whether jurors summoned to attend should not be compensated whether employed or not. The evil pressed upon the suitors with scarcely less severity. Taking the number of causes in each of the Superior Courts at a London sitting at 100, he found that, although in connection with only three-fourths of them, panels were struck, suitors had to pay for 1,800 summonses. In addition to this, it should be remembered that many causes were ordered to stand over and fresh summonses had to be issued. It constantly

happened that there were difficulties in getting the proper number of special jurymen for the trial of causes. The deficiency had to be made up by calling upon talesmen, or, in other words, common jurymen to serve. This was anything but satisfactory. By the Jury Acts it was intended that higher qualifications should be required of special jurymen than of those who were only bound to serve on the common jury. When, therefore, the special jury had to be supplemented by talesmen it was a hardship upon the suitor who had expected that his cause would be tried by men whose intelligence was presumed to be greater, and whose position was certainly superior. It was imperative that there should be a constant revision of the jury lists. In Middlesex the lists were filled with the names of people who had died, changed their residence, gone abroad, or who lived in the country and never came to town. Serjeant Pulling, in his proposal for amending the law affecting juries and jurymen, had suggested an easy and effectual remedy for this state of things. The learned serjeant said—

"The short remedy for the present defective state of the jurors' list is to assimilate the procedure with respect to their revision, &c., to that prescribed in the case of the voters' lists. The overseers should every year be required to make out a list of all persons residing in the parish whom they believed duly qualified as jurymen, describing in separate columns the nature of their qualification, and whether objected to, or exempt from serving, and any one on the list should be entitled to object to its incompleteness or inaccuracy. The revising barrister should be invested with power to summon all necessary parties before him and to enforce penalties for giving false information, or, in the case of officials, for any neglect of duty. In the revision of the lists he should strike out the names of all persons not appearing to be properly qualified, or who were found to be disqualified on the ground of age, or conviction of crime or fraud, or who were exempt, generally, or for a limited period by reason of having already served."

In the language of a high legal authority he (Viscount Enfield) would say—

"Jurors are our judges; they are judges in cases of life and death, in cases which concern property, liberty, character, and life itself. Can any care be too great to preserve the purity and efficiency of a system on which so much depends?"

He felt sure, therefore, that any care and pains taken to render the present system more satisfactory would be well bestowed. He had brought this subject forward in the interest and at the request of the constituency which he represented, and he be-

lieved that it was well deserving of the investigation which he solicited. He moved for the appointment of a Select Committee to inquire and take evidence as to the law and practice relating to the summoning, attendance and remuneration of special and common juries, and to report to the House as to any alterations which ought to be made therein.

MR. GATHORNE HARDY said, that no one who looked at the manner in which trials had recently been conducted, or who had seen what had appeared in the public journals with regard to them, could doubt that the subject was one well deserving of the consideration of the House. On the part of the Government, he had no opposition to offer to the Motion. The noble Lord had done good service in bringing the question before the House. It was high time that the attendance of special jurors should be enforced when their services were required. It frequently happened that special jurors who were summoned did not attend. The result was that cases were tried by a jury who had not been summoned for the special purpose occasioning dissatisfaction to the suitors. The subject was one which might be fairly considered by a Committee. Whatever might be the result of its labours, it must lead to a better state of things than that which now existed.

SIR EDWARD BULLER said, he quite agreed that a Committee should be appointed. Great inconvenience was caused by the exemptions allowed under the present system. It was singular that persons living in monasteries and convents were exempted. He knew of a town of 24,000 inhabitants in which all the residents were so exempted.

Motion agreed to.

Select Committee appointed, "to inquire and take evidence as to the law and practice relating to the summoning, attendance, and remuneration of Special and Common Juries, and to report to this House as to any alterations which ought to be made therein."—(*Viscount Enfield.*)

And, on June 7, Select Committee nominated as follows:—Viscount ENFIELD, Mr. BRETT, Mr. DENMAN, Mr. HUDDLESTON, Mr. WHATMAN, Colonel WILLIAM STUART, Mr. Alderman SALOMONS, Mr. FRESHFIELD, Mr. HASTINGS RUSSELL, Mr. TURNER, Mr. Alderman LUSK, Mr. CHARLES WYNN, and Mr. HEADLAM:—Power to send for persons, papers, and records; Five to be the quorum.

RAILWAY AND JOINT-STOCK COMPANIES' ACCOUNTS BILL.

LEAVE. FIRST READING.

SIR WILLIAM HUTT moved for leave to introduce a Bill for the better regulation of the accounts of joint-stock companies, including railway companies, and placing them under the supervision of the Board of Trade. He said, that his object was to bring into practical effect some important provisions of the Acts under which these bodies were incorporated, and to secure to shareholders and the public periodically a true balance-sheet of the financial affairs of companies, and a true statement of their assets and liabilities. No one could have read the Act of 1854 for the consolidation of these companies, or the Companies' Act of 1862, without being struck by the grave and imperative language in which the Acts directed that no dividend should be paid by any company unless their accounts showed that the dividend had been really earned, and could be paid out of the net profits of the company. It might be thought that the ordinary maxims of prudence and good faith, combined with the uniform practice of persons privately engaged in the transaction of commercial affairs, would have been sufficient to secure the observance of such a regulation, without the authoritative interposition of the law. Unhappily the fact was far otherwise. Directors of companies were too often tempted, in order to make things pleasant to their proprietors, and to make their shares look well in the market, to disregard all these moral and legal obligations. Railway companies uniformly produced what they called a balance-sheet, but it was frequently such as no merchants or bankers would be satisfied with. With respect to companies formed under the Limited Liability Act, the greater part of them were not in the habit of producing any balance-sheets at all, but were content with a report, whose chief purpose was that of mystifying their proprietors and the public. It was not surprising, therefore, that great concerns, often of a very complicated character, conducted with such recklessness and irregularity, should have ended disastrously and disgracefully. He proposed that no company should pay any dividend until it had deposited with the Board of Trade a statement of its liabilities and assets in a form prescribed by that Department; that it should be

Viscount Enfield

signed by the officers of the company and two Directors; that it should be registered and open to inspection under certain restrictions; that the Board of Trade should be empowered on the requisition of two Directors of a company to inspect the account-book of the bankers of the company and report thereon. He also proposed to adopt the penal provisions of the Railway Securities Act, in order to carry out the objects of the Bill. The Bill introduced no new principle or machinery, but was merely an application of the Railway Securities Act and the Companies' Consolidated Act.

MR. STEPHEN CAVE said, this was not the first time that this important subject had been brought before the House. In the year 1847, after disasters in the railway world, more general perhaps in proportion than those which had recently occurred, similar proposals were made. These attempts were not successful. They were resisted by both the Directors and shareholders of the great companies, and four Bills were fruitlessly discussed in the House of Commons in three years. In 1848 a Bill was sent down from the House of Lords. It proposed to enact that on the requisition of a certain number of shareholders, who were ready to deposit £200 to meet expenses, Government should appoint impartial persons as auditors. The object of the Bill was, it was said, to protect the minority, because the Directors being elected by the majority, if the majority elected the auditor too, the check would be imperfect. It was objected that there was no cry for it in the country; that there was no demand for it amongst the shareholders; that the interference was sought not on behalf of the public but on behalf of private partners in private concerns; that they might just as well have an audit of the accounts of the Bank of England or any joint-stock company. In 1851 the railway companies themselves brought in an audit Bill, proposing to appoint a board of auditors elected by shareholders, having the qualification of Directors. Mr. Labouchere, who was then President of the Board of Trade, objected to the proposal, because it made people judges in their own cases, and because such tribunal would want both independence and continuity. He said that the directors in the House prevented his bringing in a better measure. On that occasion Mr. Hume among others argued that it would be better to allow the railway companies

to have more power to manage their own affairs, and expressed his approval of the system of five auditors, which prevailed in Marylebone, and in the parishes under Sir John Hobhouse's Act. The last proposal made to the House was that the railway companies should elect a body of 300 persons, out of which five auditors should be chosen to hold their places during good behaviour. It was proposed that the debenture-holders should also take part in this election. No legislation sprang from these Bills. A most important question arose at the outset of this discussion—namely, what should be the scope of the audit itself. It was now generally conceded that an ordinary audit, the mere comparison of payments and vouchers, was an operation which did not give that protection which shareholders sometimes fancied it did. Were they prepared, then, to determine that auditors should report specially on the policy of Directors? Were the auditors to examine facts as well as figures? Was the House prepared for an audit of policy as well as of accounts? That was one extreme. The other extreme, perhaps, was the mere opportunity given to shareholders by the Companies Clauses Act, of inspecting the books for a fortnight before the balance, and a month afterwards. But those shareholders who most required protection were those who would find it impossible to take advantage of such a privilege as that. Several proposals had been sent in to the Board of Trade during the last few months. Though they varied much in detail the common recommendation was that an auditor should be appointed by the Board of Trade, or that there should be constituted under Government a separate railway department to register securities, and to have the general control of the finance of railway companies and to remedy—what was a common complaint and a very reasonable one—the want of uniformity in accounts. If one general scheme could be devised, then by placing the accounts of different companies side by side, it would be possible almost at a glance to compare one with another, and to see how one railway was carrying on its concerns in comparison with another. But against that it was objected, with more plausibility perhaps than force, that it was impossible to have a uniform scheme of accounts for all companies, because the circumstances of different companies were so dissimilar. They could not have an accurate comparison un-

less they knew what were the gradients of each line of railway, and the price of coal and coke in each instance, and other details which varied in a greater or less degree in every case. A uniform system of accounts would, however, be a very great improvement. The hon. Member for the City (Mr. Crawford) had already spoken to him on that point. In India the returns were made in a much better form and in a much more uniform shape than they were in this country. The strongest objection he had to a Government audit was the very thing which made many who were interested in railways desire it—namely, that it would have a tendency to what was called restoring public confidence. Nothing of course was better than the restoration of public confidence, provided it was done in a fair and legitimate manner. But he was afraid this would be overdone, and that the public might place too great faith in that system of Government audit. It might be represented to the public, and they might believe, that the soundness of the company's proceedings and finance was certified and even guaranteed by the Government. If that was the effect, as he feared it might be, it would cause a greater delusion and a greater amount of mischief than had already been produced. He had sometimes thought that the railways themselves might constitute a central board of audit, and that they might for that purpose make use of the existing machinery of the Railway Clearing-house, which had already added, with an excellent result, administrative functions of an important kind to those of a merely mechanical character. Such a board, under the control of the railways themselves, would be less likely to give false security than an audit under Government. He would not presume to offer any criticisms on the right hon. Gentleman's proposal till he had carefully examined it. The right hon. Gentleman would, he thought, find a far less hostile feeling among companies themselves than they manifested at the former epoch to which he had alluded. In assenting to the introduction of the Bill he could assure the right hon. Gentleman that it should have his most careful and respectful consideration.

MR. CRAWFORD had not intended to say anything on the present occasion but for the reference which had been made to him by his right hon. Friend. He agreed with the Vice President of the Board of Trade (Mr. S. Cave), that there was great

Mr. Stephen Cave

objection to the Government undertaking the audit of railway accounts. His right hon. Friend appeared to think that the accounts of railway companies ought to be filed and laid before the Board of Trade with their vouchers before they were permitted to declare a dividend. ["No!"] He might have misunderstood his right hon. Friend, but such was the impression left upon his mind. The Government audit would affix a kind of *imprimatur* on the accounts, but it would be very difficult to give satisfaction to the public. In the first place, they must clearly determine what were working expenses, and what revenue, and unless they could define that by statute there would be constant differences of opinion on the point. The public wholly misunderstood the nature of a Government audit. He agreed with the right hon. Gentleman (Mr. S. Cave) as to what an audit should be. It ought not to be an audit of the policy of a company, for the Directors must be responsible to the shareholders and to the public as to their policy. The audit should be nothing more than an accountant's audit, showing that the accounts were duly sustained by the vouchers and the requisite proofs and authorities. The right hon. Gentleman had suggested that an uniformity of audit might be obtained by means of the clearing system which obtained among the railway companies, but he did not think that any proposal of that kind could be found practically useful, owing to the want of uniformity of interest. There were many objections to the plan of Government audit. It would be impracticable. It would lead the public to form erroneous ideas as to the responsibility of the Government in the matter. His right hon. Friend had rather misrepresented what he had stated on a former occasion. The proposal he then made, as he had expressly stated, was not made out of regard to the interests of railways themselves. It proceeded on a totally different principle—that the Government might avail themselves of the then position of affairs for the purpose of securing the eventual ownership of the railways for the benefit of the State. It was the interest of the public he had in view. He certainly would not for a moment have thought of asking the State to help railways in any eleemosynary spirit. He should be glad to see the Bill of his right hon. Friend when it was introduced.

MR. WATKIN said, that the speeches of his right hon. and hon. Friends had

been addressed to the official audit of the accounts of railway companies. But what the right hon. Baronet proposed was not an official audit. He proposed to introduce a Bill for the better regulation and supervision, by the Board of Trade, of the accounts of railway and other—he supposed all other—joint-stock companies, regulating the accounts, and therefore fixing the dividends of millions of property. That was a very sweeping proposal. It was right that they should know whether the Board of Trade was prepared to take that responsibility in all its length and breadth. The country had grown great by the enforcement of a policy enlarging and deepening yearly—that of leaving private parties to manage their own affairs in their own way. Individual care of individual interests could not be supplied by the action of any Government department. The right hon. Baronet (Sir William Hutt) had, no doubt, great experience at the Board of Trade. He had endeavoured to explain his proposal in language, perhaps, not peculiarly fortunate. When he compared that language with what had fallen from the Vice President of the Board of Trade (Mr. S. Cave), and the hon. Member for the City of London (Mr. Crawford), he should like to ask one question. Did the right hon. Baronet mean to propose to the House to give him leave to introduce a Bill the effect of which would be to place under the control of the Board of Trade the regulation and supervision—totally different things—of all the accounts of all the companies constituted by Charter, established by Act of Parliament, or set on foot by the Limited Liability Act of 1862—not railways only, but every banking company, insurance company, every gas and water company, every partnership in the country consisting of more than seven partners. If that was the meaning of the right hon. Baronet he should like further to know if the Board of Trade was prepared to accept and recommend so sweeping a proposal.

SIR WILLIAM HUTT said, that he certainly did not contemplate anything so extensive. The object he had in view was much more contracted. Already there were provisions in existence which had reference to this subject, but from some defect in their character they were inoperative. His purpose merely was to give them practical operation.

Motion agreed to.

Bill for the better regulation and supervision by the Board of Trade of the Accounts of Railway and other Joint Stock Companies, *ordered to be brought in by Sir WILLIAM HUTT and Mr. ELLICE.*

Bill presented, and read the first time. [Bill 188.]

STATUTE LAW CONSOLIDATION.

MOTION FOR AN ADDRESS.

COLONEL FRENCH said, he moved an Address to Her Majesty for Copies of all Letters addressed to the Lord Chancellor in 1853-4, containing proposals for a plan to consolidate the statutes, which were not contained in the printed copy of Mr. Bellenden Ker's Reports. The subject of a digest of the law had recently been referred to in an able article in *The Times*. That journal stated that it would be worth while for Parliament to vote £30,000 a year even for so long a period as ten years—though, probably, five years would be sufficient for the purpose—in order to secure so important an object as the digest of the law. He had a strong feeling that the House of Commons had been trifled with by the delay in carrying out this work, and that the interests of the country had been materially injured. In 1854, when the subject was pressed strongly on the attention of the Government, a Commission was appointed, upon which were placed individuals of high legal authority. It would have been utterly impossible to get men better qualified for the work, if they had chosen to do it. But it was vain to expect legal reform to spring from legal men. The result of the appointment of that Commission had been really nothing. Certain gentlemen were directed by Lord Cranworth, one of the members of the Commission, to set to work and furnish specimens of their ability in consolidating the statutes. Mr. Bellenden Ker was appointed, with a salary of £1,000 a year. Four other gentlemen were associated with him, at salaries of £600 a year, to submit proposals for the consolidation of the statute law into one code or digest. These gentlemen were only appointed for one year. They succeeded in preparing a digest from the time of Henry III. to the 17 & 18 *Vict.*, in sending in a draft Bill for the consolidation of 963 Acts relating to the National Debt, and in arranging a plan for the future amendment of the law so as to secure uniformity. But the rapid way in which the business was done seemed to astonish the Commissioners, and these gentlemen were got rid of. The Notice which he had placed on the

paper referred particularly to a letter from Mr. Chisholm Anstey and Mr. Rogers, two of the gentlemen who had been employed in the work, in which they stated that they would undertake in four years to complete everything that was intrusted to the Commissioners, or, if they had two others associated with them, to do all that was required by Parliament in two years, which would be about 1856-7. The reason that nothing had yet been done was that the consolidation had been intrusted entirely to legal men. If they appointed one or two barristers and as many laymen for the work, and placed Lord Westbury at the head, the revision would be finished in a very short time. He fancied there would be no objection on the part of the Government to the production of the letters. He trusted that the result of attention being directed to this matter would be that an impetus would be given to a work the completion of which must be conducive to the interests of the country.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Copy of all Letters addressed to the Lord Chancellor in 1853-4, containing proposals for a plan to consolidate the Statutes, which are not contained in the printed copy of Mr. Bellenden Ker's Reports."—(*Colonel French.*)

THE ATTORNEY GENERAL said, it was impossible that the present Government could be acquainted with a letter, which it appeared was addressed to the Lord Chancellor so long ago as 1853-4. He did not believe that the document in question was now to be found in any office connected with the Lord Chancellor. The importance of the consolidation of the statutes would be admitted by every one. That work had been proceeding under the direction of the Government, and very considerable progress had been made. He trusted the Motion would not be pressed.

COLONEL FRENCH said, that if the Government had not the letters, they could not, of course, produce them. Would the Government be prepared to produce the document in case they should find that it was in existence?

THE ATTORNEY GENERAL said, in that case they should of course be ready to produce it, unless there was some special reason for not adopting that course.

Motion, by leave, *withdrawn*.

Colonel French

CAPE OF GOOD HOPE.

MOTION FOR AN ADDRESS.

MR. VANDERBYL: I rise for the purpose of calling the attention of the House to a petition presented by me on the 30th of last month from the inhabitants of the Cape of Good Hope, praying that Her Majesty's forces might not be withdrawn from that colony. That petition, signed by upwards of 1,100 of the most influential inhabitants of Cape Town, was transmitted to me by the Chairman of the Chamber of Commerce; and in order that its prayer might be brought directly under the notice of Parliament, I have deemed it desirable to make it the subject of a special Motion. I will not discuss the wisdom of the policy now generally adopted by the successive Governments of this country with respect to colonial defences, nor will I detain the House with any lengthened statement of the arguments that might be adduced in support of a change in that policy so far as the Cape of Good Hope is concerned; but briefly I will explain the reasons set forth by the petitioners themselves, and leave the House to form its own opinion. The annexation of British Kaffraria to the Cape Colony has taken place at a very recent date, and although I will not go so far as to say that annexation was contrary to the wishes of the colonists, I believe that if they had had notice of it they would have expressed their disapproval of it to Her Majesty's Government. The large tract of country thus added to their colony give them a much greater territory to defend, and is a serious source of weakness in itself, even if it had not been the means of vastly increasing the proportion of natives to the colonists. I believe I may say that there are three times as many blacks as white within the boundaries of the colony, and there is this additional disadvantage, that in the event of a war between the white and the natives, the latter could reinforce themselves from the tribes beyond the frontiers to an unlimited extent. Of late the presence of Her Majesty's troops has been sufficient to check, or at all events to repress, the incursions of these tribes; but if those troops be now withdrawn, and the colony left to its own defences, there is no saying what steps the natives may take against the colonists; and thus create a war which can only be of the most bloody nature. Stupid and debased as these savages may be, they have sense enough to know that if

the colonists are left to protect themselves that will be the most fitting time and opportunity to make a descent upon them. And if the colonists find themselves strong enough to withstand any such attack, which is very much to be doubted, it will be no matter of wonder if they, in their turn, become the assailants, and what was originally a war of defence end in becoming a war of extermination. But a second reason to be found for the support of the petition is the fact that the colony at this time is suffering from financial embarrassments to such an extent that it is not, and cannot be for some time, in a position to pay the contribution of £40 per head which is asked by Her Majesty's Government for all troops henceforth to remain in the colony. A succession of droughts, and a terrible cattle disease have lately fallen to their unfortunate lot, and the population being almost exclusively devoted to agricultural and pastoral pursuits the effect of these visitations has been to well nigh impoverish them. They have a heavy sum to provide for annually for their border defence—from £60,000 to £70,000 in fact—and so great is the prevalent distress, that this payment, and the other ordinary expenses of the colony could only be met by means of loans, the bare interest on which presses severely upon the colonists. Under these circumstances, it would be out of the question to attempt to raise more money to pay for English troops, and if the condition of those troops remaining in the colony is to be the payment of the sum demanded by the Home Government, they must go, and the colony be left to itself. But apart from these (which I may term colonial reasons in favour of the petition) there is the important one that the Cape of Good Hope is not only suitable, from its climate, for a training ground for troops destined to serve in India, China, and Japan; but from its geographical position is a valuable dépôt for troops in case of any war breaking out in either of those countries. I urge this upon the attention of the Government and the House not merely as an opinion of my own, but as the opinion of men more capable of judging of its importance from a military point of view; and I hope due consideration may be given to it before it is decided to withdraw such troops as may now be at the Cape. Upon Imperial, therefore, as well as colonial grounds, I think the prayer of the colonists is one that the House ought to listen to, and if it cannot be acceded to in its en-

tirety, I hope the alternative prayer—namely, that the troops may remain until the present financial difficulties are tided over, may be granted. I may here add that the late Duke of Newcastle, in one of his despatches, admitted that certain exceptional cases might arise in which it might be expedient that colonists should have the protection of British troops; and I cannot help thinking that the case of the present petitioners, who are so utterly unable to protect themselves, and are in constant fear of the incursions of innumerable tribes of savages, come strongly within the scope of that admission. Taking all the circumstances of the case into consideration, I hope the House will assent to the proposition I am now about to make.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that Her Majesty's Forces be not withdrawn from the Cape of Good Hope."—(*Mr. Vanderbyl.*)

MR. GORST said, that the very fact relied upon by the hon. Gentleman in support of his Motion, that there was a large number of native tribes in the colony, induced him to think that the Government would act wisely in withdrawing from it British troops as proposed. For the proper management of those tribes it was essential that they should be controlled by a strong and enlightened Government. It was impossible with a divided authority, partly colonial and partly Imperial, that our rule should be of that resolute, firm, energetic, and, at the same time, merciful character which tended to impress the barbarian mind. In the parallel case of New Zealand, the unhappy scenes that had occurred had been mainly due to divided authority, exercised partly by the Governor and partly by the Colonial Minister. This had failed to command the fear or the respect of the natives. Divided authority could hardly fail to produce at the Cape the same result it had produced in New Zealand. If a case could be made out for special assistance to the Cape in consideration of its being exposed to the inroads of native tribes, that assistance would be best rendered in the shape of a subsidy. This would be more effectual than a body of troops not altogether under the control of the Colonial Governor. As divided authority produced confusion, he supported the Government in withdrawing British troops. He hoped the day was not far off when

not one Imperial soldier would be left in the colonies.

Mr. LAMONT said, he knew the Cape Colony well. He believed the presence of Imperial troops was mainly the cause of the Kaffir war. It was got up chiefly by the colonists for the sake of the commissariat expenses. Nothing would tend so much to the pacification of the colony as the withdrawal of the British troops.

Mr. ADDERLEY said, that the prayer of the petitions which had been presented from Port Elizabeth and Cape Town was that this country should continue to protect the South African colonies at the exclusive cost of English taxpayers. Not a word had been said to show, and he could not conceive, why the Cape should be treated specially and differently in this respect from any other colony. The financial embarrassments of the Cape were only such as all countries, including this country, were exposed to. The petitioners spoke of their poverty, bad harvests, and cattle plagues, unconscious of the fact that English taxpayers had to meet similar emergencies. Nor was the Cape singular in being exposed to the incursions of aboriginal tribes. New Zealand was equally exposed, and had nobly confronted the danger, and they were only anxious that the British troops should stand out of their way. The early English colonists of North America not only contended with most formidable tribes, but with the organized armies of France and Spain. But they maintained their own, and themselves added colonies to the British Empire. It could hardly have occurred to the petitioners that, so far from having any special claim, they had not done as much as others in meeting the dangers to which they were exposed from native tribes on their frontiers. He was one of those who had believed it to have been a mistaken policy on the part of this country to establish a foreign Power on the Cape frontier, and so to expose the colonists to danger from the Dutch boers. He had opposed the abandonment of the Orange territory, and recognition of the Sovereignty. But that did not constitute a special ground for maintaining so large a force as had been maintained by the British Government. There might be some force in the view that South African territory should be treated as a *dépôt* for troops for service in India, and there were certainly distinctive Imperial interests in holding Cape Town. But there was a limit to that

Imperial argument, which had been considered in the adoption of the policy now under discussion. Not many years ago, thirteen English regiments were accumulated under Sir George Grey's command in the South African colonies. Since that time considerable reductions had been made. Now the question was whether 4,000 British troops were not more than this country could be fairly called upon to maintain, at the expense of the British taxpayer, merely to secure Cape Town, and provide a *dépôt* for India. The petition had really been produced by a despatch of the Earl of Carnarvon's. That despatch expressed the opinion that the number of troops now in the South African colonies was a great deal too large to be maintained solely at the expense of this country, that we were indefensibly treating the Cape in a manner different from other colonies, and that the number of troops in South Africa ought to be gradually diminished, or else partly paid for. Warning had been given to the colonies generally, and to the Cape in particular, the Earl of Carnarvon considered that there should be still more ample warning. Therefore he proposed that reductions should be made year by year, and increasing contribution should be made by the colony to the cost of those troops which remained. During the current year no reduction was to be made. In 1868 one of the four regiments was to be paid for at the same rate as other colonies were paying or to be withdrawn. In 1869 two regiments were to be paid for or withdrawn, and so on. It would not be until 1872 that all the troops were to be either paid for or withdrawn. One regiment, on the ground of Imperial policy, would continue to be maintained at the cost of the English taxpayer, the maintenance of which it was considered would be a sufficient contribution on the part of this country to the defence of the colony, and enough to hold Cape Town secure from sudden attack. The petitioners were quite mistaken in supposing that the Earl of Carnarvon's policy was influenced by the recent annexation of British Kaffraria. That annexation was rendered quite necessary by the circumstances of the case. A frontier or neutral territory had been established between the Cape and the native tribes, as a barrier against incursion. But the will of the House of Commons had been so asserted, that it became necessary to place British Kaffraria and the Cape under

the same government, by common representation in the Parliament of the Cape. The real basis, therefore, of Lord Carnarvon's despatch, was a distinct decision of the House of Commons, in accepting the Report of the Colonial Military Expenditure Committee of 1861, which said—

"With respect to dependencies properly called colonies, the responsibility and cost of the military defence of such dependencies ought mainly to devolve on themselves. The mode of proceeding adopted by Lord Grey in 1851, in announcing to the Australian colonies the terms on which alone Imperial troops could be sent there, may be gradually applied to other dependencies. With respect to the South African colonies, their security against warlike tribes or domestic disturbances should be provided for as far as possible by means of local efforts and local organization, and the main object of any system adopted by this country should be to encourage such efforts, not merely to diminish Imperial expenditure, but for the far more important purpose of stimulating the spirit of self-reliance in colonial communities. The settlers of South Africa should be called on to contribute a larger sum than they do at present towards the military expenditure of these colonies."

The last paragraph of the Commissioners' Report was as follows:—

"In conclusion, the tendency of modern warfare is to strike blows at the heart of a hostile Power; and it is therefore desirable to concentrate the troops required for the defence of the United Kingdom as much as possible; and to trust mainly to naval supremacy for securing against foreign aggression the distant dependencies of the Empire."

This was the ground of Lord Carnarvon's despatch. It was the deliberate decision of the House of Commons upon which his policy rested—for, after debate, the Report of the Committee of 1861 was endorsed by the House of Commons. The principles contained in the Report had already been applied to Ceylon, the Mauritius, Hong Kong, British Columbia, Australia, and New Zealand. What did the Cape pay for military? Not £10,000 a year. Their defences altogether cost them £70,000, and that included the cost of the Cape Mounted Rifles and the police. What did England contribute?—£300,000; but was that consistent with our treatment of other colonies, while the Cape Parliament expended out of their revenue only £70,000 a year. The real cause of this petition was the irritation which now existed at the Cape about the annexation of British Kaffraria. The colonists said that they had not been consulted on this subject. But there was no doubt that the policy of annexation was absolutely necessary. This country could

no more be expected to keep up a barrier territory against Cape enemies at the cost of home taxpayers, than to maintain their forces for them. Sir Philip Wodehouse had acted most honourably in maintaining the necessity for this annexation, though he thereby drew upon himself personally great odium. [Mr. CARDWELL: Hear, hear!] He fully believed that this irritation was temporary only, that it would rapidly pass away, and that the Cape would soon see that the course which had been taken was as much for its own interest, as it was in justice towards British taxpayers. No doubt such a change might be more or less galling at the moment. The Cape had recently suffered from our free trade policy. But their wine trade had already found new developments, and, thrown on its own merits, had greatly improved. He hoped the Cape colonists would see that if they were to maintain themselves as a great colony of the British Empire, they must take part, in common with other British subjects, in maintaining their own defence.

Mr. CARDWELL said, he hoped that the hon. Member (Mr. Vanderbyl) would think he had done his duty by his friends in the colony, and would not deem it necessary to press a Motion in which the House would not concur. A judicious and moderate adherence to the Report of the Committee of 1861, and the steady endeavour to throw more and more upon the colonies the obligation of defending themselves, was a policy which the House would support. It would be well to lay before the House the Correspondence, so that they might see how the policy had been carried out at the Cape. To the general purport of that policy he cordially subscribed. It had been his duty to give effect to it in New Zealand. He had also intimated to Sir Philip Wodehouse that the time would not be long delayed when that policy would be applied to the Cape. The annexation of British Kaffraria was really an argument in favour of that policy. That annexation had taken place not for a purely Imperial object, but in order to give the Cape a better frontier and a better means of defence. There was a very excellent mounted police in Kaffraria. He had no doubt that proper attention would be paid to develop and increase that force. If it were found, when the papers were produced, that the course adopted were a judicious and temperate mode of carrying into effect the policy of the Committee of 1861, he was

sure that the House would give it their support.

MR. VANDERBYL: I am unwilling to prolong this discussion; but I must remark, in reply to the hon. and learned Member for Cambridge (Mr. Gorst), that New Zealand cannot fairly be compared to the Cape, the number of natives being very small in proportion to the white population. With regard to the statement of the hon. Member for Bute (Mr. Lamont) that the colonists did not object to the war, being delighted to obtain the commissariat expenditure, I have only to say that no amount of commissariat money would compensate the inhabitants for the destruction of property and enormous loss of life caused by a repetition of Kaffir wars. The right hon. Gentleman opposite (Mr. Adderley) has confounded Dutch boers with the native blacks. The colonists have never dreaded the Dutch boers. I will not attempt to press my Motion; but, out of deference to the feelings manifested on both sides of the House, will beg to withdraw it.

Motion, by leave, *withdrawn*.

MASTER AND SERVANT BILL—[BILL 105.]
(*Lord Elcho, Mr. George Clive, Mr. Algernon Egerton.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Elcho.*)

MR. E. POTTER said, he regretted the noble Lord (Lord Elcho) had moved the second reading of the Bill without stating grounds for proceeding with it this Session, instead of waiting until after the Royal Commission now sitting on Trades Unions had made their Report. Having served upon the Committee over which the noble Lord had so courteously and ably presided, he felt bound to oppose the second reading. He admitted the present state of the law was very unsatisfactory, and he took credit to himself as an employer of labour having never put the law in force against any of his workmen. The evidence taken before the Committee showed the oppressive action of the law in very few instances. Nearly the whole of the evidence was strongly against contracts of all kinds. Out of twenty-two witnesses examined before the Committee nine were representatives of trades unions. Scarcely any witness spoke of hardships under the

Mr. Cardwell

present law from his own experience, though they had all heard of instances of hardship in the case of others. He was struck by the fact that all the complaints came from the mineral districts. There were none from the districts where textile fabrics were produced. He did not care personally if the Bill of the noble Lord came into operation to-morrow. But he had the strongest opinion of the impolicy of agitating this question until the Commission which was now sitting should have reported on the general question. The working classes themselves would be of opinion that it would be much fairer to leave the matter to a Reformed Parliament, in which the working class element would be much better represented. They would be much better satisfied with a measure obtained from such a body than by precipitate legislation in the present Session. He moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Edmund Potter.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. G. CLIVE said, that having served on the Committee he must express his dissent from the view of the evidence which had been given by the hon. Gentleman. Both parties gave their evidence with great candour. The masters admitted that the present law was unjust, and that employer and employed should, except in particular cases, be on the same footing. They approved the Bill of his noble Friend. He would refer to some of the evidence before the Committee on the present system of contracts. One witness, a large employer of labour in Scotland, had stated that the system pursued among his workpeople was that of the day or minute contract. Mr. Dickenson, the chief inspector of mines, gave similar evidence. It was a little hard then to represent these complaints as emanating entirely from the men. Until the present time he was really not aware there was any opposition to the Bill. He was most surprised that opposition to it should proceed from an hon. Member who acknowledged the injustice of the present law. Objections on points of detail might be considered in Committee.

MR. PEASE said, he fully admitted the injustice of the present law, but the House should also remember that the law of

master and servant had been much before the public, and involved an amount of interest which it was almost impossible to describe. Though he had a strong objection to the power of imprisonment, there were some cases in which it would be advisable to preserve that power. There was the case of protecting workmen from the strikes of their fellow workmen, which was provided for by the dread of imprisonment. A colliery employing large numbers of men and a great deal of shipping might be stopped by the strike of an engineman. A thousand men might thus be thrown out of work. If this Bill passed, such a man could only be punished by means of a fine, and that fine would probably be paid by the trades union to which he belonged. He strongly objected, moreover, to the proposal that two justices should have power to annul a contract, this being a power which, except in case of fraud, no court in the kingdom possessed. The length of time which would elapse before complaints of breach of contract could be adjudicated was another ground of objection. While desirous that a measure on this subject should be passed without delay, so as to promote a better understanding between employers and employed, he thought the present Bill contained such faults as could not be remedied in Committee of the Whole House. He should therefore, when the opportunity arrived, propose that it be referred to a Select Committee.

MR. SAMUELSON said, he supported the Bill. Its defects, whatever they might be, could be remedied in Committee. The fact that the present law was not enforced in the districts where textile manufactures were carried on was an argument for its abolition. It was said to be necessary in the mining districts, on the ground of there not being in many cases a cordial understanding between masters and workmen; but the present law was one cause of that misunderstanding, for we could not expect trades unions to change their policy as long as this ground of complaint existed. As an employer, he should not feel himself justified in putting the Act in force, and he had therefore no available remedy against a workman who committed a breach of contract. The operation of the law in agricultural districts must likewise be considered, for many cases of extreme hardship occurred in those localities. As to awaiting the Report of the Royal Commission, that Commission was engaged on a very intricate question, and their Report

might not be presented for a considerable time. He could not see why a source of irritation like this should not be removed at once. As long as the present law existed no workman who respected himself would enter into a long contract. Whatever trades unions might think or say to the contrary, it was desirable that contracts between masters and men should be of considerable duration. Believing that the law as it at present stood was both unjust and impolitic, he cordially supported the second reading of the Bill.

MR. LIDDELL said, he agreed that it would be better to alter the existing law to a certain extent; but he could not agree that the House would do well to adopt the whole principle of the present Bill. That principle was the abandonment of the punitive process against the workman, and the doing away with the deterrent effect of the present law. The noble Lord (Lord Elcho) moved for, and presided over, the Select Committee on this subject. He drew up their Report. Yet he had brought in a Bill which was not based on that Report. The Committee was composed of fifteen Members. That Report was passed without a division, and was finally adopted by five Members, one being the noble Lord himself. That was a Report which, affecting the relations of employer and employed throughout the country as it did, was second to none in importance, yet it could not be expected to carry very great weight. He wished to ask the noble Lord whether the other nine Members of the Committee were assenting parties to the Report? One important feature of the Report was, that in aggravated cases of breach of contract the magistrates ought to have the power of awarding punishment by imprisonment, and not by fine. If the noble Lord would agree that in aggravated cases, where, as in collieries and manufactories, a great number of workmen were employed, and where a breach of contract might involve loss of life, the magistrate should have the option recommended in the Report, the opposition which the noble Lord would otherwise encounter would disappear. It was unjust, as by the present law, to compel the magistrate to inflict the punishment of imprisonment instead of a fine; but, if the circumstances appeared to require it, he ought still to retain the power to imprison without fine. It would be very dangerous to the interests of the workmen themselves to deprive magis-

trates of the power of dealing summarily with delinquents, and he implored the House not hastily to deprive magistrates of all discretion of punishing breaches of contract by imprisonment without any previous summons. It was all very well to talk of equalizing the law between master and servant. The amount of compensation which a servant could claim from his master was measured by the amount of his wages. But the amount of compensation which a master might claim from his servant could not be measured by any criterion whatever; and, moreover, the responsibility of maintaining discipline rested with the master alone, so that in no sense could their respective positions and obligations be considered equal.

MR. ALDERMAN SALOMONS said, that having had the honour of being a Member of the Select Committee he must express his approval of the Bill. It was founded on reciprocity of principle between master and servant. By the present law, the master was responsible civilly—the servant criminally. In all cases where, by the Act of the servant, any injury was inflicted upon the master which could not be compensated by fine, an option of imprisonment or fine ought still to be left. County Members must allow that the present law bore very hardly upon agricultural servants. When the spring of the year came and labour bore a higher price, they sometimes attempted to break their contracts with their masters. A great number of agricultural labourers found themselves in consequence the inmates of a gaol because they could not release themselves from their contracts, and the magistrates had no alternative. It would be very desirable that these hirings should be regulated by the common law which applied to domestic servants, so that master and servant could both be free by a month's notice on either side.

MR. HENLEY said, he thought they owed the noble Lord a good deal for the trouble he had taken in bringing that subject, which was one of great importance, before them. The main principle of the Bill was that contracts of service generally should be put on the footing of a civil bargain, the breach of which should render the party liable to pecuniary remedies, but not to penal punishment. In that proposition he agreed. He agreed that in that respect the master and the man should stand on the same ground. But some of the details of the measure required careful consideration.

Mr. Liddell

In the first place, it might be worth the noble Lord's attention whether some limit should not be put to the quantum of damages which the magistrates might assess. As the Bill stood the amount appeared to be unlimited. The parties were to claim damages for serious injury to persons or property. But a master might sustain a heavy loss by the absence of a servant, and yet might not be able to prove that it was an injury to his person or even to his property. When they came to the case of a heavy loss, unless they laid down some limit it was possible that the damages given might be carried to a vindictive extent, which would be very unfortunate for both parties. Juries were sometimes accused of running riot in the matter of damages. Again, where the injury to the person or property of the party complaining had been wilfully or maliciously inflicted, so as to amount to a criminal act, the case was to be sent to the quarter sessions. He did not exactly understand that provision. If a man inflicted a wilful or malicious injury now, and the act was one which was recognised by statute as an offence, he could be indicted at quarter sessions without that clause. If it was a fanciful offence, and not now recognised by statute, the clause as it stood would not, he thought, give a jurisdiction to try it at quarter sessions, and therefore the provision would be waste paper. It was worth the noble Lord's while to consider whether those cases were not sufficiently provided for already by the Acts of Parliament which had been very carefully revised within the past few years. Another point was this—The Bill applied to all kinds of service—service in the country included. Suppose a waggoner who went out with his master's team got drunk and drove the horses in a very improper way home, or that he had not fed them in the morning. Many such acts of misbehaviour could not be easily brought within the category of breaches of contract, yet they could hardly be called criminal acts, and the man could scarcely be indicted at quarter sessions. It was also worth consideration whether servants living in their masters' houses ought to be included in that Bill, because there were many miscarriages among servants, which could be met without much difficulty either by a slight abatement of their wages or in some similar manner. That remark applied to male as well as female servants, and he invited the noble Lord's attention to that point.

MR. BRUCE said, he agreed with the principle of the Bill, but thought that, after the many suggestions which had been thrown out, it would be advisable to refer it to a Select Committee. Under ordinary circumstances, a breach of contract between workman and employer might be easily dealt with as a merely civil offence. But there were cases in which the act of a servant in breaking his contract involved much more than an offence to his master. It involved a loss of employment to a vast number of his fellow workmen, the interruption of work, the payment of heavy damages to third parties, and the infliction of an amount of evil altogether disproportionate to any possible remedy which could be exacted from servants. An illustration of that occurred in his own neighbourhood a few years ago. A haulier, employed in hauling coal out of a colliery, was dismissed for improper conduct. The case was so flagrant that it never occurred to the man to appeal to the stipendiary magistrate of the place, whose justice and impartiality were well known. Without any notice the remaining hauliers, about eight in number, in that colliery struck work, and the consequence was that a large colliery, employing between 200 and 300 colliers, was stopped, every workman lost his wages, the coal owners were unable to deliver the coal at the port, and had to pay for demurrage and delay; and all that arose through the summary and peremptory act of those hauliers. Under the Bill, how would they have been dealt with? A summons would have been taken out against them, and they might have been compelled to fulfil their contract, that was, to return to their work. But what remedy was that? The evil had already been done, and an interruption of work for a week had taken place. The legal definition of cases of this kind was not very easy, but it was capable of being done better by a Committee sitting upstairs than by the House. The immediate issue of a warrant might seem a harsh proceeding, but in certain cases it was perfectly justifiable and even necessary. When men were led away by emissaries and by the promise of higher wages, to a distance, perhaps, of 300 or 400 miles, the proceeding by summons would be nugatory. They would either not attend or shift their quarters—perhaps cross the border into Scotland. Where positive proof existed that the men had absconded, and removed to a distance of some miles,

power should be given to the magistrate to proceed, in the first instance, by warrant. The House had agreed to the principle of the Bill; if therefore the noble Lord consented to refer it to a Select Committee, he should be happy to aid him in rendering the details satisfactory alike to employers and employed.

MR. FAWCETT said, this Bill very fairly represented the evidence given before the Select Committee last year. Many of the points referred to in the debate had been already considered by the noble Lord and the other members of the Committee, who were sincerely anxious to overcome the difficulties, but could not clearly see their way to do so. The men, he believed, would not object to aggravated breaches of contract on their part being treated as criminal offences, if aggravated breaches of contract on the part of the masters were similarly dealt with. It seemed to him a fallacy to urge that a heavier scale of penalties should attach to offences committed by the men, on the ground that more serious losses were thereby entailed. No doubt the pecuniary loss was great; but consequences as severe frequently devolved upon the men through the acts of the masters. Men who were brought from distant parts of the country, say from the North to the South, on a promise of twelve months' regular work and at the end of three months were discarded, owing to fluctuations in the trade, suffered hardships as great as any capable of being entailed upon the master. As to the suggestion that progress with the Bill should be postponed till the Trades Unions Commission reported, he was entirely opposed to it. There was no connection between the two subjects, and nothing could be more unfortunate than to mix up the question of trades unions with a grievance which all admitted and which would continue to be felt, if trades unions ceased to exist tomorrow. The noble Lord the Member for Haddingtonshire (Lord Elcho) had studied this subject; his only object was to get an undoubted grievance remedied as quickly as possible. Whatever decision, therefore, the noble Lord arrived at with regard to the reference of the measure to a Select Committee, he should be prepared to support it.

MR. JACKSON said, he was opposed to the Bill, which was not in accordance with the Resolution of the Committee, of which he had been a member. Its provisions were not fair between servant and

servant. Was a man, having charge of an engine at a pit's mouth, who got drunk and ran away, to be dealt with merely as a debtor, though he might leave 400 or 500 fellow workmen below in enforced idleness and in cruel uncertainty for six or seven hours? It was the knowledge that under the existing law he would be dealt with very differently, which kept such a man from getting drunk and running away. He did not know any masters who objected to the principle of this Bill, but its provisions they would stoutly resist.

LORD ELCHO said, that he and hon. Members, whose names had been placed on the back of the Bill, had every reason to be satisfied with the reception it had met with from the House. Every speaker had admitted that some change was necessary. His own position with regard to the measure was peculiar. As it involved, with the exception of domestic servants, the whole relations of employers to employed, he had been most anxious that the question should be taken up by the Government. But the late Home Secretary (Mr. Walpole), with whom he communicated on the point, though prepared to give all the assistance in his power in promoting the object in view, saw difficulties in the way of initiating legislation, and therefore the task had devolved upon himself, a private Member. Though no lawyer, he contended that the principle of the Bill was sound. The present state of the law was shortly this—For an alleged breach of contract, a man might be taken out of bed at night, brought by a policeman before a magistrate, and sentenced on the evidence of his employer to three months' imprisonment, with hard labour, without time being afforded him to bring forward evidence for his defence. The hard labour was a necessary part of the sentence, for sentences which did not include it had been quashed. This harsh law was really a remnant of serfdom, and dated from a time when it was not a harshness but a relaxation, since it enabled men to enter into contracts respecting their labour, which before they had been unable to do. But what in the 18th century formed a relaxation might constitute a galling and grievous restriction in the present day: it was an unjust, harsh, unequal, and unnecessary law. It was most desirable that the breach of contract should be made the subject of a civil action. In Scotland there were 35,000 miners, and 25,000 did not serve under this law. The Committee was a fairly constituted one, and went into

Mr. Jackson

the case very carefully; and the House was in possession of the conclusion that Committee came to. He had hoped that his Bill would have been agreed to by all parties; those who represented the men had agreed to it; but the Mining Association representing the masters had offered objections and made new proposals, which had to be considered by the men. Under those circumstances, he suggested a compromise which was accepted by the men, but the Mining Association raised objections to that mode of settlement, and he had at length proposed to Parliament what he believed was just to masters and men, and unfavourable to neither. As to the course which should be adopted for the future consideration of his measure, he would prefer not to send it before a Select Committee, but to have it read a second time unconditionally; he would then endeavour to come to some arrangement with those specially informed upon the subject as to what Amendments should be made in the Bill, and he would ask the House to pass it through Committee *pro forma*, in order that it might be printed in the amended form. If upon this he found it impossible to do what he regarded as justice between one side and the other, he would be the first to move that the Bill be referred to a Select Committee. He therefore hoped his hon. Friend would withdraw his Amendment, and he might rest assured that the House, as at present constituted, was as ready to do justice between one class and another as it was to listen to any grievances that might be brought before it.

SIR FRANCIS CROSSLEY said, he quite agreed that some such Bill as that under discussion was necessary.

MR. GATHORNE HARDY said, he thought the House must be quite satisfied of the necessity for mitigating the rigour of the present law. The difficulties in the way of amending it which had been suggested, however, were such as could not be well settled in a full House; the proposal of the noble Lord was therefore a wise one; he believed it would be assented to, and that the noble Lord would have the satisfaction of going into Committee without having an opponent to the principle of his measure.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday 20th June*.

INCLOSURE (NO. 2) BILL.

On Motion of Mr. Secretary GATHORNE HARDY, Bill to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. Secretary GATHORNE HARDY and Mr. HUNT.

Bill *presented*, and read the first time. [Bill 186.]

LOCAL GOVERNMENT SUPPLEMENTAL (NO. 3) BILL.

On Motion of Mr. Secretary GATHORNE HARDY, Bill to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the district of Halifax, and for other purposes relative to the said district under that Act, *ordered* to be brought in by Mr. Secretary GATHORNE HARDY and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 187.]

GALWAY HARBOUR (COMPOSITION OF DEBT) BILL.

Select Committee on the Galway Harbour (Composition of Debt Bill *nominated* :—Major GAVIN, Mr. MONSELL, Mr. GREGORY, Lord DUNKELLIN, Mr. GRAVES, Mr. READ, and Five Members to be nominated by the Committee of Selection.

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, June 5, 1867.

MINUTES.]—SELECT COMMITTEE—*First Report*—Kitchen and Refreshment Rooms (House of Commons). (No. 351.)

PUBLIC BILLS—*Resolutions reported*—National Gallery Enlargement [Purchase of Site].

Second Reading—Oxford and Cambridge Universities Education [71]; Roman Catholic Churches, Schools, and Glebes (Ireland)* [127], *deferred*.

Referred to Select Committee—Oxford and Cambridge Universities Education [71].

Report of Select Committee—Turnpike Trusts (*re-comm.*)* (No. 352).

Committee—Bridges (Ireland) (*re-comm.*)* [140] [R.P.]

Report—Turnpike Trusts* (*re-comm.*) [189].

Considered as amended—County Treasurer (Ireland)* [159].

OXFORD AND CAMBRIDGE UNIVERSITIES EDUCATION BILL.—[BILL 71.] (*Mr. Ewart, Mr. Neate, Mr. Pollard-Urquhart.*)

SECOND READING.

Order for Second Reading read.

MR. EWART, in moving that the Bill be now read a second time, said, the object of the measure was to open the

Universities to students without obliging them to be members of any College in those Universities—in fact, to restore the ancient University system, as now practised in Germany and in Scotland, and which was also the ancient system at the Universities of Paris, of Bologna, and even in England. He was himself an unworthy member of one of those Universities, and he yielded to no one in veneration for those ancient institutions or in respect for the members who adorned them. If the Universities could and would make this reform themselves he would willingly give way; but it had been declared by that House that the Universities were national institutions and lay incorporations, and therefore amenable to Parliament. If we looked to the history of these Universities we should find that at first the Universities were everything and the Colleges nothing. The College system had originated in the *hospitia* or *convictoria*, or lodging-houses, like the Inns of Court. These *hospitia*, said Huber, in his work on the English Universities, existed before the Conquest, and gradually overshadowed the University, or, like parasitical plants, undermined the walls they appeared to support. The students were not very civilized—their favourite pursuit appeared to have been poaching. We were told that the number of students at Bologna in Friar Bacon's time (1262), was 20,000; at the Paris University, at the end of the 16th century, the number was 25,000. Oxford was rated at 30,000, with 300 Colleges and Halls. Huber said the number was 25,000. Many of these *hospitia* were founded in the reign of Henry III., and were intended to cheapen education; but, like the messes of our regiments, they eventually made it dearer. In the 15th century attachment to Colleges began in England, and became more and more predominant; but still ex-college students remained, and were called by the name of "chamber dekyngs." Archbishop Laud was the chief promoter of the tutorial, or College system, by which the tutor and the student must be members of the same College. This was a change worthy of the narrow mind of Laud, who was, however, useful as a Reformer at Dublin. But while in England the professorial system declined, it continued to prevail in other countries, especially in Italy. There were female as well as male professors at Bologna, where Novella d'Andria taught the canon law; Laura Bassi, physics; and Clotilda

Tambroni, Greek, in 1817. But professorial chairs at our Universities became, many of them, sinecures. Gray, the poet, filled the Professor's chair of history at Cambridge, though it was doubtful whether he ever delivered a lecture. The same might be said of the Vinerian Professorship of Law at Oxford, immortalized by the "Commentaries" of Blackstone. Conyers Middleton, an archæologist, was Professor of Geometry. Meantime, what strides had been made under the professorial system, by the great intellect of Germany! All our deeper books in grammar, history, science, and theology came from thence. It was the great *officina literarum*.

"As to the Professorships," said a German writer, Huber, "Oxford, still more Cambridge, is become more scientific. But it is certain that in its professorial character the smallest University with us outstrips them both together."

To restore and give greater dignity to the position of Professors was the object of this Bill; and the mode in which he proposed to accomplish it was by inducing ex-college students to frequent the Universities. It might be asked, what would be the benefits of the proposed change? In the first place, the spirit of free competition, or free trade, in education would be let in. This, it might be hoped, would stimulate and invigorate the college system. In the next place it would be a boon to poor scholars, whose position must always be regarded with deep interest. At present the poorer scholars chiefly passed through the Universities as servants. In Scotland they were openly admitted; and the sons of mechanics lived at the University on oatmeal and the scantiest fare; they might be miserably poor, but they were nobly independent; they came for work, not for pleasure, and might well be described in the words in which Chaucer depicts his Oxford scholar—

"A clerk there was of Oxenford also,
That unto logike hadde long ygo,
As lene was his horse as is a rake,
And he was not right fat, I undertake;
For him was liever have at his bed's head
Twenty bookis, clothed in black or red,
Of Aristotle and his philosophie,
Than robes riche, or fidel, or sauterie."

Such was a scholar in the time of Chaucer, and such were scholars in Scotland now. A great many Scotch University men were obliged to work on the farm in vacation time. One student who held the plough and cut the harvest was one of the

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best scholars within the walls of a University. Professor Wall, according to the Oxford Report, p. 49, said—

"It is to the admission of students to the University, without connection with a College or Hall of any kind, that I look for the greatest good to the University, the Church, and the country."

Professor Vaughan also said that "such a change would be opportune as well as beneficial." Free admission to the Universities would call out native genius. Newton, Milton, and others existed under the old system, when cramming was unknown. The change proposed would call out new subjects of study. It was an old saying of Gibbon that—

"Of the two kinds of education, that which was given us and that which we gave ourselves, the one we gave ourselves was incomparably the best."

Under the old system men formed themselves; under the new, their knowledge was too much filtered through the minds of others, called, in University phraseology, "cramming," which might not inappropriately be called a system of intellectual indigestion. Another benefit of the change proposed was that it would introduce new subjects into the educational system of the University—such practical sciences, for instance, as engineering, agricultural chemistry, practical geology. A great portion of the youth of this country were destined to find their fortunes in emigration; yet it was doubtful whether the Universities taught much that would be useful to an emigrant. Instruction in agricultural chemistry, practical geology, and other similar subjects would be highly useful to an emigrant. Within our own times engineering had become a profession as well as a science. Surely, instruction in that and other similar subjects would be practically useful to the general students of an University? At the same time, under the professorial system we should have lofty and comprehensive views of general subjects. How could we hope to hear in the narrow lecture-room of a College such an essay as Schiller's noble one on Universal History? He thought, also, that education would be cheaper under the system proposed. At first sight we might think that Colleges would be cheaper than Universities; they had all the advantages of association; but a certain rivalry among young men at college led to expense. A solitary student was beyond the reach of ridicule and fashion. It was truly observed in the

Oxford Report that "no skill or vigilance by Colleges can reduce the cost of living so much as the ingenuity and interest of a student." But there was also the evidence of a sub-committee appointed specially to inquire into this subject, that not only would free admission at Universities be cheaper than the present system, but it would tend, both by competition and example, to reduce the cost in Colleges. Perhaps in time, in accordance with good taste, simplicity and frugality might become fashionable even in Colleges and public schools. That sub-committee, consisting of the Dean of Christchurch, Professor Price, Professor Goldwin Smith, Professor Sir B. C. Brodie, Professor Bernard, Mr. Griffiths, Mr. Wayte, Mr. Edwin Palmer, and Mr. J. J. Hornby, reported the general result in this way—

"The fixed charges incidental to College life amount to £60 per annum more or less; the cost of living on a low average is £40; and the annual subscriptions £5. A sum of about £60 has to be deposited at entrance, of which, indeed, the greater part will be subsequently returned, but which a student has, nevertheless, to provide; and fees exceeding £10 are paid to the College on taking the two common degrees. The consequence necessarily is that College education is not extended generally to young men who cannot afford to pay these sums. Consequently Oxford is closed to all but members of Colleges and Halls—its education, its institutions, its libraries, its museums, are practically closed against all but those who can afford to pay these sums."

In other words, the student had to pay £100 a year to a College. Well, what was the cost of living in lodgings? The sub-committee said a little less than one-half. In the College about £100 a year; out of the College £49 4s. But the average cost in Scotland was from £20 to £25 a year. But not only would free admission be cheaper, it would tend, both by competition and example, to reduce the cost in Colleges. Another advantage would be that the respectable tradesmen of Oxford and Cambridge would be able to send their children to the Universities to be educated. Why should they exclude respectable tradespeople from giving their sons all the advantages of the University—its libraries, lectures, and museums, and all its intellectual apparatus? Why might not families settle at Oxford or Cambridge with the same object? It would be greatly to the benefit both of the University and the town, and he believed that the necessities of the age were outgrowing our too limited institutions, and that this was beginning to be done already.

He knew that objections would be raised to the scheme on the ground that it would induce immorality; but no such complaint came from either Germany or Scotland, where the scheme was in operation. The Oxford Report said—

"This plan has been tried in Edinburgh, Dublin, and Glasgow without securities, and succeeded. We might safely appeal to the lives of the clergy educated there."

In Cambridge, too, 700 undergraduates lodged in the town, and he had heard the senior tutor of Trinity say that they were better conducted than the men who lodged in College. The ex-college students will probably be too poor to be tempted. Besides, we might take securities—there might be licensed lodging-houses, subject to withdrawal in case of infraction of the rules—adopting, but with more stringency, the plan pursued at Cambridge. Another objection to the change was the want of society for the ex-college students. But Gibbon consoles us for this, for he says that "society stimulates the intellect, but that solitude is the nurse of genius." But the ex-college students would probably form societies among themselves more free than in the Colleges, where a narrow system of exclusiveness and caste sometimes prevailed, which would be freshened and invigorated by a more open system. A third objection was that under the proposed scheme there would be no security for religious training; but this objection was not felt in Scotland or Germany. Still, if it were thought desirable in England, means might be adopted for ensuring the attendance of students at some place of worship. Richer young men might live in Professors' houses; as the late Lord Lansdowne and Lord Russell did at Edinburgh. Such were the many reasons which had induced him to support the opening of the Universities at Edinburgh. In the words of a writer on this subject—

"The Universities existed before a single College was endowed; and they would continue to exist, with all their rights and privileges unimpaired, even if the property of all the Colleges were confiscated and their buildings levelled with the ground."

At the same time, it was impossible not to honour the *esprit de corps* and local ambition which animated our Colleges. He only wished the two great luminaries not to be obscured by their own satellites; so that both systems, the professorial and tutorial, might shine with mutually re-

flected light. There was one word which he would pronounce before he closed, and which actuated him in this matter, equally applicable to literature and to commerce, to the poorer and the richer scholar—that word was “Freedom.”

MR. NEATE seconded the Motion.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. W. Ewart.*)

MR. BERESFORD HOPE remarked that no one who had studied the early history of our Universities could for one moment suppose that the University was not more ancient than, and in its origin quite independent of, the Colleges. On that very circumstance, however, he based his opposition to the present measure—as being open to the imputation which was generally most damnatory in the eyes of the Liberal party, that of its being strictly and absolutely reactionary. It proposed to renew a system which the experience of ages and the growth of civilization had put on one side. It was, indeed, one of those bewildering and mischievous pieces of legislation which had regard to only one side of the case, and so looking at it dealt with a many-sided question, arbitrarily, rapidly, and incompletely, and in a manner more theoretical than practical tried to solve the difficulty, and thereby estopped the action of those who were quietly, steadily, and with a full knowledge of the matter in all its bearings working for its solution. The whole gist of the Bill lay in the following words:—

“Notwithstanding anything contained in any Act of Parliament now in force relating to either of the Universities of Oxford and Cambridge, or in the statutes, charters, deeds of composition, or other instruments of foundation of either of the said Universities, or of any College or Hall within the same, any person may be matriculated without being entered as a member of any College or Hall, and may if he shall think fit join himself to any College or Hall with the consent of the head thereof, but without being obliged to reside within the same; and every person so matriculated shall in all respects and for all intents and purposes be and be considered as a member of the University, and upon joining any College or Hall shall in all respects and for all intents and purposes be and be considered as a member thereof.”

The object of the first provision was clear enough, but he confessed that the exact purport of the second passed his comprehension; it seemed to amount to no more than a solemn declaration that the existing state of things in both the Universities

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was a state of things that existed, while it did not lay down or enunciate anything which might not be done under the actual system. But what was the grievance which the Bill was brought in to remedy? Was it a poor man's or a rich man's grievance? Was it that such men as Earl Russell, for example, or Lord Lansdowne—he mentioned them without any personal reference, merely as the members of their class who had been named by the hon. Member—might be gratified. Was it because without conforming to University discipline, University dress, and University rule, they might like to pass a *dilettante* year or two in picking up stray crumbs of knowledge in the University? If so, that was a case which did not call for the intervention of that House. If, however, the Bill was introduced for the sake of the poor man, it deserved respectful consideration. But in what respect was it for the benefit of the poor man? How could a poor man more cheaply, more rapidly, and more effectively pick up the knowledge necessary for obtaining a University degree by not belonging to any College? It was nothing to the point to quote the system pursued in Scotland and Germany. Our Universities might be better or worse than those of Germany or Scotland, but, at all events, they were modelled on one system and those upon another. A young man who went to Aberdeen, or Jena, or Gottingen and lodged in the town, was placed upon a level with all the other young men there. He took his degrees like the others, and therefore he was in no way injured nor pointed at as a marked man on account of his non-aggregation to a College. Besides, it must not be forgotten that the Universities of Scotland, to a great extent, acted also as the public schools of that country, and could not be accurately compared with those of England where the public school system had acquired an independent existence. Now, if a man went to Oxford or Cambridge, and did not belong to a college, he would, no doubt, *pro tanto*, gain the benefit of such studies as the University itself provided. He would be able to attend the professorial lectures, and, if his purse would admit of it, might also put himself under the tuition of any private tutor; but he would not gain the financial and housekeeping advantages which a common table, if judiciously managed, college rooms, and the joint-stock system of College tuition combined to confer on the under-

graduate members of Colleges. Above all, he would not have the advantage of the tuition provided by the Colleges. It was idle, for the purpose of the present Bill, to raise again the old question between the tutorial and the professorial systems; they must respectively be taken as they at present existed. Each University had organized a system in its colleges under which a course of regular instruction was given to the young men during their undergraduate course by certain officers of the College called tutors, who were responsible for the instruction they gave, and who were liable to removal if they were guilty of neglect. Besides that, there had grown up almost during the present generation an external system of private tutors, that is, of tutors with whom the undergraduate made a private bargain; and those undergraduates who went in for high honours must put themselves under the guidance of a private tutor. Indeed, almost every undergraduate was under the necessity of seeking the aid of a private tutor at some period of his University career. As for a man being able to read for himself without any tutorial instruction, it was true that a Newton or a Milton, who had been cited, might do so, but for young men of the ordinary kind it would be as impracticable as attempting to learn a mechanical trade by standing in a workshop and watching the workmen. In fact, the private tutor of the 19th century was correlative to the "professor" of the Middle Ages. He was the instructor whose personal reputation attracted the voluntary pupil in his pursuit of the ordinary studies of the University. What were now the duties of the professors? Take the Greek professor at Cambridge for example. He would ordinarily choose some Greek book of moderate compass, a Greek play or a dialogue of Plato for instance, which he explained to a select and voluntary class, going into the higher details of scholarship; but it would be utterly useless for the rank and file of the University to attend such lectures, because all they wanted was to pick up just as much knowledge of the classics as would enable them to take an ordinary degree. It was the same with the other professorial chairs, whose chief utility was the exceptional instruction of select classes. So the external student not having any College tutor under whom he could study must, if he meant to take advantage of his position, avail himself at the cost of his own pocket of the personally

bought assistance of a private tutor. To pass on, however, to matters of discipline—how did the hon. Member propose to provide for the discipline of these external students? There existed in the Universities a complex system of discipline, administered partly by the University and partly by the College officers—the proctors and the deans. The proctors walked like policemen on their beats through the towns. If a proctor discovered that a young man had committed some trivial offence, he would reprimand him, and probably let him off; but if the case were of a grave character, it would be brought under the notice of the College authorities, and some punishment would be inflicted on the offender, which would not stand in the way of his academical success. Perhaps, for instance, he might be "gated"—that is, ordered for a period not to go beyond the College gates after a certain hour—a punishment which gave him more time to study. But suppose the case of an external student, who did not belong to any College, being caught by the proctor committing an offence which could not be passed over with a mere reprimand, what punishment, consistent with the maintenance of University discipline, could be inflicted on that man, which would not endanger his academical success? He could only imagine two punishments which would be applicable in such a case—namely, total expulsion, permanent or temporary, from the University, or suspension from University privileges for a month or a whole term—involving, of course, the right to attend lectures and examinations. Looking, however, to the competition that was going on, the temporary suspension of an external student would be tantamount to his total expulsion from the University, for he never could catch up the lost time, so that in reality he would be placed under a harder and more stringent system than a man who belonged to a college, for either of these punishments would be enough to ruin a poor man. The hon. Member had asserted that the moral condition of the German Universities were not inferior to that of our own. He would not now discuss that question; but he thought that everyone who had read Russell's *Modern Germany*, Mayhew's *Life in Saxony*, and other works of that kind must be of opinion that the social system of the German students, with their boisterous revelry, their inordinate consumption of beer, and their frequent duels,

was not a system which it was desirable to introduce into the Universities of Oxford and Cambridge. The hon. Member had, it was true, one precedent for his measure to which he forgot to refer in the existence of a system of external students attached to the University of Dublin, but he must confess he never heard any one say that that was an advantage to Trinity College. It must be remembered that thirteen years ago the Legislature had enfranchised the Universities in the way of permitting the opening of private hostels; but little disposition had been shown to accept the boon on the part of the students. [MR. GLADSTONE: Hear, hear!] Was not this a proof that the advantages of the system might not be so clear as its promoters imagined? Both at Oxford and at Cambridge attempts had been made, but yet no hostel was at this moment in existence. This was an Oxford Bill, and on this, as on other similar occasions, the House felt the inconvenience of efforts at legislation for both Universities being undertaken by hon. Members who brought to the task a necessarily imperfect acquaintance with the system prevailing at the particular University of which they were not members. Thus this was an Oxford Bill, and he believed that there was not at Oxford the same liberty of action as prevailed at Cambridge. He believed that at Oxford every undergraduate was obliged to reside within the walls of the College at any rate for the two first years; but at Cambridge as many undergraduates were received as there was room for in the chapel and hall, and a certain number were allowed, under certain restrictions, to reside in the town. This was, in his judgment, an admirable system; it extended the benefits of the University without weakening collegiate influence over the students, and something of the same sort might be done at Oxford without the necessity of the present Bill. The sumptuary advantage of dining in hall was of itself very great, and he might mention, in illustration of this, that at the Missionary College at Canterbury, in the foundation of which he was personally much interested, arrangements were made that the students might be boarded, lodged in very comfortable rooms, and have their breakfast, dinner, and supper in the hall, and be under the tutorial instruction of the Warden and Fellows. They had three months vacation in the year, and the whole expense of lodging, instruction and board for the nine

months was only £35 for each student; the students being young men of the age of the ordinary undergraduate. He would advise Oxford to follow the example of Cambridge and to improve upon it by allowing the College students to lodge in the town, by making more vigorous attempts to found hostels in connection with the Colleges, by reducing the luxury of the meals in hall, and by giving breakfast and supper as well as dinner publicly in the halls. He was not in favour of the establishment of distinctive cheap Colleges, because they would give rise to invidious distinctions between one house and another; but he thought there would be nothing invidious in the revival of something analogous to the old system of "sizar" at Cambridge and "servitors" at Oxford, keeping, of course, perfectly clear of everything that might be regarded as humiliating. If these things were done, all that this Bill aimed at would be accomplished, without any risk of the ill consequences which he apprehended from the present measure. For it must be borne in mind that though this Bill was intended for the benefit of the poor student, it would be taken advantage of by the rich one. The fast man with his riding horse or two, or perhaps his horse in training for the Derby or for Ascot, the young man of expensive tastes and luxurious habits, who liked the society of the University, and, perhaps, desired to acquire a superficial dash of learning—this would be the sort of person to reap the benefit of the present Bill. He would come up to Oxford or Cambridge, not to strengthen his intellect or increase his knowledge, but principally to enjoy himself; and he would practically be able to set the proctors at defiance, if he were allowed to reside in the town and to enter himself as a student without belonging to any College; for on the first scrape he got into he would go to the Vice Chancellor, take his name off the books, and yet, if he chose, he might continue living with and enjoying University society. Therefore he objected to the Bill that it would do no good, but carried with it the possibility of considerable harm. Let them leave the Universities to act for themselves. [MR. LOWE: They will not.] Were they not at work already? Were not syndicates and delegacies sitting for the purpose? If there was one thing that Englishmen held in special abhorrence it was meddling and teasing legislation. Every shopkeeper, on his return from a

trip on the Continent, was full of the petty restrictions that paternal governments abroad imposed upon their subjects. In England we were tolerably free from this tendency, and he asked why the only exception should be in the case of the Universities? Why should the House be perpetually engaged in worrying, teasing, and regulating bodies which, if they were anything in the world, were bodies of men of great experience, profound learning, and considerable administrative power—who had shown during the last thirty years that they were alive to the spirit of the age, by developing their professorial system—which was a *caput mortuum* at the commencement of the present century—by improving their Colleges, and by altering their examinations in order to promote the studies which were pursued in them. They might fairly be left to act for themselves, and he therefore moved that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Beresford Hope.*)

MR. POWELL said, he congratulated the House on the advent of a period when questions respecting the regulation of the Universities could be introduced without embittering the discussion by polemical differences. He regretted that the system adopted at Cambridge, which provided for the extension of the “hostel” system, had not been more fully developed. He did not feel any jealousy of a considerable expansion of the numbers of the members of the Universities, but those who had received their instruction there must be anxious that the highest system of education should be maintained at the Universities. If the Universities once became the vehicles for conveying inferior education they would decline in public opinion, and eventually lose their influence. An apprehension was felt at Cambridge that the adoption of this Bill would lead to a lax discipline by facilitating the removal from one College to another at the mere will of the student. There was no security on the face of the Bill for the good conduct of the students who might take advantage of it, nor was there any security for age. Boys at the earliest period of their education might join, and he noticed too that the word “person” was used—so that even women might be admitted undergraduates. So carelessly had

the Bill been drawn that there was no provision for keeping any term, and those who took advantage of it could not proceed to any of the degrees conferred by the Universities. If it were an historical fact that in the Middle Ages 20,000 or 30,000 persons belonged to the Universities, it was rather an argument against the Bill than for it, because if the advantage of that system had been found to be as great as was alleged, it would not have been superseded by the College system. The House ought to forbear—at least, for the present—from unnecessarily interfering with the Universities, and if they found that they made no attempt to expand themselves, and that no new system was adopted or proposed for adoption, there would be a strong presumption that they found such difficulties in the way that the assistance of Parliament was required.

MR. NEATE said, that the necessity and importance of the measure were enhanced by the extension of the franchise. The object of the Bill was to induce the Universities to recur to their ancient system. Then the Universities, as originally established, were far more expansive than they were now, and opened a much wider door to the middle and lower classes, and our recent legislative changes, notwithstanding their beneficial character, had had the effect of still further confining the benefits of the foundations to the class for whom they were not originally intended. The best way to balance the increased political power of the working classes was to augment the intellectual vigour of the upper and middle classes. Although no large proportion of the numerous middle class could participate in the benefits of the Universities, yet, by affording encouragement, a stimulus might be given to middle-class education throughout the country. It was not from any unwillingness to acquiesce in desirable changes that the Universities failed to effect them; but accuracy of knowledge enabled members of Universities to detect the errors of proposed schemes, and the result was that more active members of the University had been restrained during the last year from doing anything by the residuum of the old Conservative party, who opposed change, and had their own way because clever and conscientious men could not agree upon any one scheme. Consequently, nothing would be done without a little pressure from without. Good

would be done if the Bill went no further than a second reading, and an inquiry by a Select Committee would tend to promote a better understanding among all concerned. There was nothing of a sectarian character about the Bill, and its supporters simply desired to extend the utility of the Universities. He should therefore support the second reading.

SIR WILLIAM HEATHCOTE, concurring in much that had been said by the last speaker, said, that the consideration of the present Bill divided itself into two distinct parts—they had to consider first the merit of the proposed change, and secondly the propriety of forcing it upon the Universities under existing circumstances. The Bill proposed to compel the Universities to receive undergraduate students who had no connection with any College. He (Sir William Heathcote) doubted the propriety of proceeding to that length—it would, he thought, be rash, without experiment, to extend the benefits of the Universities to persons who were not subject to their discipline. Although some of the Commissioners were in favour of the Bill there was a strong concurrence of opinion in the opposite direction amongst men who were very desirous of extending and liberalizing the Universities. He went a great way with the hon. Member for the city of Oxford (Mr. Neate); he was strongly of opinion that the increase of wealth and the wide-spread desire for good education should lead to an increased facility of access to the Universities, and he felt strongly the exclusive tendency of the changes of 1854 and 1856; but when he knew for a certainty that at Oxford, and, he believed, at Cambridge, eminent men were seriously deliberating on the subject, that some had come to the conclusion that it was desirable to try this experiment while others were engaged in devising a different plan, that some would go the whole length of the Bill while others would try a more cautious experiment, and one College would give a gratuitous education, he felt disinclined to vote for the second reading of the Bill at present. He should be sorry to put such a pressure upon the Universities before the eminent men who were debating the question had arrived at a solution of it. As to it having been before them two years, that was not an inordinate length of time for its consideration. He had great misgivings as to the merits of the case itself, and he would prefer to try an

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experiment by means of Halls with licence from the Universities, so as to secure good discipline. One of the motives which led to the foundation of the Colleges was the desire to promote order and discipline, which after all its alleged failures had, on the whole, been successful. They were not dealing with a want so imminent and pressing as it was assumed to be; at least, it was not quite certain that the opening of the doors of the Universities would lead to the immediate admission of great numbers, who, however, might come in gradually. He longed to get hold of the class in view, and that more than he conceived to be possible; for the great Schools had supplied many of those wants which in the Middle Ages were supplied by the Universities. Boys now remained at the great Schools much longer than they used to do, and on leaving them they began the active business of life, and he suspected it would be found that the majority would be content with the education they received at the great Schools. It was remarkable that the demand had been in that direction, and there had been no difficulty in adding to the large Schools in order to supply a pressing want; but in the absence of it there were not the same facilities for adding to Colleges, Halls, and Universities. He had a strong desire to deal with the subject; but he had great misgivings as to whether the Bill proposed to do so in the right way. He required more evidence and more experiment to satisfy him that young men ought to be admitted to the Universities without any connection with College or Hall; but if it were done, it ought to be the result of well-considered legislation in the Universities themselves. He would therefore urge upon the House to abstain from legislation which might not be necessary, and which might lead to injurious consequences.

MR. EVANS said, that whether the Universities were national institutions or not, they ought to be as national as possible; it was desirable that many should go to them who did not; and it was a matter for serious regret, considering we had only two Universities, that so small a proportion of the population received the admirable education which they gave. While at Cambridge there were only 1,900 undergraduates, at Berlin there were between 3,000 and 4,000. In the large towns of France public lectures were delivered on mathematics and other branches

of study, and he was told that numbers of persons made great progress in them owing to the aid they received from the lectures. The conduct of the students at the German Universities was not worse than that of the students at our own, and as at Cambridge no harm resulted from many students living in lodgings, he could not conceive why the Oxford University did not increase the number of its students by allowing them to live in lodgings. No doubt it would be better if the required changes were effected by the Universities themselves; but he must be permitted to say that the University of Oxford had been very slow in availing themselves of changes that experience had proved to be beneficial. It was desirable that the Bill should be read a second time, but he hoped the hon. Member for Dumfries (Mr. Ewart) would have no objection to refer it to a Select Committee.

MR. SELWYN, referring to a remark that had been made implying that University reform was obstructed by resident Conservative Members of the Universities, said, he had a confident belief with respect to Oxford, and positive knowledge with respect to Cambridge, which led him to deny the existence of any such obstructive party; on the contrary, those who were engaged in education had been for many years most anxious to extend the benefits of the Universities to the widest possible extent, always having regard to the proper maintenance of discipline. But had any one practical suggestion ever been made to those engaged in the management of either University which had been treated with neglect? When he sent this rough crude Bill to the Vice Chancellor of the Cambridge University, the Vice Chancellor sent it back, with the inquiry what could be the meaning of such a Bill? and he had failed to make the Vice Chancellor understand the real object of it. He challenged the hon. and learned Gentleman who talked of Conservative parties opposed to University reform to adduce a single instance in which a practical suggestion for the reform of the Universities had not met with careful and deliberate consideration. What the University authorities complained of, and justly, was that so short a time had elapsed since their institutions were subjected to revision in every respect, and that no time had been allowed to give these changes a fair trial. The Bill now before the House contained no provisions with respect to discipline,

and the only practical suggestion which had been made during the debate was one which was scarcely suitable to this age and country—namely, that refractory students should be sent to prison. In 1856 the Act relating to the University of Cambridge provided that any member of the University might obtain a licence from the Vice Chancellor and open a house within a certain distance of the University, for the reception of students, who should be entitled to all the privileges of the University, without being entered as members of any College; and any Master of Arts of Cambridge, whether he belonged to the Church of England or not, might obtain such a licence. This was the extent to which, after the fullest consideration, it was thought proper to go at that time; and since then any practical suggestion for increasing the usefulness of the two Universities had met with the greatest possible consideration and encouragement from the authorities. They had gone a great way already in establishing the local middle-class examinations and the middle-class schools, which it was hoped would extend the benefits of a liberal education far below the class called the gentry, and the most promising students at which, by obtaining the prizes and scholarships, would be transferred thence to the Universities. He denied entirely the existence of any such obstructive policy on the part of the Universities as that which had been represented to exist. Before they agreed to such a Bill as this, which contained no practical suggestion whatever, they ought to be told what new grievance had arisen to make it necessary. It was a great difficulty to maintain discipline among such a body of young men as were assembled at the Universities; but that was done now and done well, by the existing system, and he urged the House to pause before they sanctioned a measure by which that system might be upset.

MR. FAWCETT said, he believed, with the hon. and learned Gentleman, that the Universities themselves were greatly desirous of dealing practically with this question; and he could fairly say, on behalf of the authorities of the University of Cambridge, that their great desire was to increase the efficiency of the University as much as possible; and especially to cheapen the education, so as to get as great a number of poor students there as possible, and to assist them in every way

they could. He intended, if the second reading of the Bill was agreed to, to move that it be referred to a Select Committee; because he thought a Select Committee would very much assist the Universities in the direction in which they were anxious to travel. No doubt Cambridge had much to learn of Oxford, and Oxford, on the other hand, had much to learn of Cambridge; and if, in a Committee consisting of many distinguished Oxford and Cambridge men, they were to receive evidence from the most distinguished members of the two Universities, who he felt sure would candidly and freely give it, they would have an amount of information coming from the two Universities, and collected into the same volume, which would be of the utmost value in introducing future changes. At Cambridge a considerable number of the students lived in lodgings, and he believed that the education was greatly cheapened by that. There was nothing to prevent a poor student from living in the humblest way he chose, while at the same time he enjoyed all the advantages which the University had to offer. Possibly Oxford in the future, having gained experience from what had been done at Cambridge, might set on foot a somewhat similar arrangement. Some comparison had been attempted to be drawn between the professorial and the tutorial systems; but at the present time there was a combination of these two systems, because every one, unless he competed for honours, was bound to attend some Professors' lectures. The only difficulty he could see in the way of allowing students to become members of a University without becoming members of the University Colleges was that they would lose many advantages they would otherwise receive, and get no corresponding advantage in return. For his own part, he did not see any reason why College life should be dearer than life out of College. College life ought to have about it many of the advantages of co-operation, and a great number of men living together might and ought to be able to live more cheaply than if they lived separately. Students who were not in the Colleges would lose the advantages of the close friendships which were contracted between neighbours in the same College; and they would also lose the advantages of the endowments belonging to the Colleges. And so great were the endowments which were now given away to the most dis-

tinguished students that any youth with anything like distinguished ability would invariably obtain a sufficient scholarship to enable him to pay a considerable portion of his University expenses; and, in fact, at the present time in many of the Colleges they did not get a sufficient number of deserving students to take up all the scholarships which were freely open for competition. As a Professor of Cambridge University himself, he might say that his lectures were freely opened not only to the students of the University, but to any lady or gentleman living in the town who chose to attend them; and he was sure that the other Professors would rejoice with himself to see their classes trebled or quadrupled. If this Bill were rejected a false impression might be produced throughout the country that the Universities were opposed to any change; but the second reading of the Bill, followed by its reference to a Select Committee, would meet the wishes of many men in the Universities, and elicit valuable evidence which might tend to cheapen University education, and enable the Universities to exercise a more beneficial influence than they had hitherto exercised upon the national life and character.

MR. LOWE said, it seemed to him that the measure was a little more practical and a little more urgent, at least, as far as Oxford was concerned, than it had been represented to be by the hon. and learned Member for Cambridge University (Mr. Selwyn). An enormous number of valuable endowments had been thrown open in the Universities, and probably the thing was overdone at present, and the persons who obtained the scholarships and prizes were not exactly of the calibre that was desired when those prizes were thrown open. The remedy was University extension. He thought it was the universal feeling of the House that they ought as far as possible to sweep away the obstacles in the way of this extension—obstacles arising from religious belief, or from the material reason that the Colleges were able to contain only a certain number of students. If you limited the University to the Colleges, you limited the competition for endowments to the comparatively small number of persons who could get admission and could bear the expense of College life; but these endowments were originally eleemosynary in their character and founded for the benefit of the

poor. He did not, however, believe it was possible to make College living so cheap as to open the Colleges to the poor, whom they wished to comprehend within the University. In these Colleges the sons of the gentry were educated; and though the simplicity of College life should be always kept in view, it would not be right to cut down the habits of these young men to the degree of simplicity which would be fitting in the case of poor men's sons. If they were so cut down, the result would only be to injure the University, without doing any good. It was therefore of great importance to remove any material barrier which prevented the competition for endowments by men of first-rate instead of by men of second or third-rate ability. There was another and still more serious reason for this course. By the present system of limiting the University to the Colleges, the worst Colleges were filled at the expense of the better. The desire of every man who sent his son to Oxford was to send him to the best College—Balliol, for example. But in Balliol there were only a certain number of rooms, and if a youth could not be received there he must go down in the list till he found a College which could admit him. Thus, in limiting the number of persons who could enter the best Colleges, you forced them into the inferior Colleges. This was false political economy, and entailed other disadvantages. The University was made up of Colleges, some good some bad, and when people said, "Oh, leave these things to the University," they must remember that the indifferent Colleges had a strong interest in maintaining the present state of things; because if a different system prevailed many of these Colleges would be empty. There were few persons who would not send their sons to Balliol to live in lodgings, rather than to some Colleges he could mention, where they would be locked up every night within the walls and enjoy all the other invaluable privileges of College life. Therefore, if they wished to give fair play and opportunity to those Colleges which really led the way in enlightenment and good tuition, and to whip up and spur those Colleges which now followed behind in the race, it was absolutely necessary that the College system should be made more elastic. The Universities had already taken two years in considering this subject. It seemed to them to be a large question, and, no doubt,

to some of the Colleges it was an exceedingly unpleasant question. But this was just the reason why the House of Commons should take it up. It was quite time to do something for poverty in this matter of the Universities, and you must do it so as not to wound the self-respect of poverty. Old ways were suited to old manners. A poor man's son used to be admitted on condition that he wore no tassel in his cap, that he performed the duty of a clerk, and waited upon the other students at table. Nowadays our manners were abhorrent from that; and the only efficient way of opening the Colleges and their endowments, many of which were eleemosynary, without injury to the self-respect of poverty, was, he believed, by a change similar to that introduced at Cambridge, and by allowing the Colleges to extend their advantages to students outside their walls. The University of Oxford had not made up its mind to do anything yet—the endowments went on increasing, the evil was daily becoming greater, and yet nothing was done. He thought the suggestion to read the Bill a second time and refer it to a Select Committee was an excellent one. The case was urgent and required immediate attention. Everybody admitted that something ought to be done. To their great honour the tutors of Balliol had resolved that if poor students were allowed to become members of the College without being obliged to live within the walls they would give to all such students the benefit of their tuition—the best in the University of Oxford—making no charge whatever for it. It was only the procrastination of the University which acted as a bar to this inestimable benefit. He hoped therefore that the Bill would be read a second time, the House thereby accepting not its precise words, but the general principle of University extension, and that the Bill would then be sent to a Select Committee to consider the practical grievance that had to be met and the remedy for it. In this way the House would give to the principle of University extension an impulse which he feared would not be given unless they took the matter out of the hands of those who had been so very dilatory.

MR. HENLEY: I have listened with a great deal of attention to this debate, and especially to the speeches of the right hon. Member for Calne (Mr. Lowe), the hon. Member for the city of Oxford (Mr. Neate),

and the hon. Member for Brighton (Mr. Fawcett). They all say, "Send the Bill to a Select Committee;" not that the Bill, with its half-dozen lines, wants any minute attention bestowed upon its clauses or its arrangement, but because they say the whole subject should be inquired into. If the subject wants investigation—if there is a belief that by a different system the benefits of the University may be largely extended—that inquiry ought certainly not to take place after this House has pledged itself to this particular measure by reading the Bill a second time. That is contrary to common sense and to all precedent. It is contrary to all our forms and contrary to common sense to read a Bill a second time when you are not satisfied that its principles are right. The right hon. Member for Calne has said there is a vast mass of valuable endowments that might be much more beneficially used; that the example of the University of Cambridge is a very good one, and that Oxford has been debating for a couple of years and has not come to any opinion upon the subject. But what has been done? It has been shown that an opening has been made at Cambridge for the reception of students outside the College walls; but what evidence has been given to show that any number of persons have availed themselves or would avail themselves of the openings thus made for them? We have three things to consider:—In the first place, are there many persons who wish to avail themselves of these advantages, and who now do not avail themselves of them? If that be so, what is the reason why they do not avail themselves of them? Is it that they cannot be received in Colleges, or that the expense of living in Colleges is too great? The next question is: If we take these students in the way proposed in the towns, can they live cheaply? The third and last question is: Will it be possible, under this Bill, to maintain reasonable and proper discipline among a number of young men at their time of life? We, who have been young ourselves, must all admit that if there had not been some wholesome check upon us when we were at their time of life the state of society would have been very different from what it is now. With regard to living in or out of Colleges, it is a question which has been very much controverted—whether the living out of Colleges would be very much cheaper than the living in

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Colleges. I am surprised that we have heard nothing as to the result of the system which has been tried at Cambridge. We may imagine that a great number of persons have availed themselves of the advantages it offered; but if in reality no such great number of persons may have so availed themselves, we should then be assuming a fact which has no existence. The right hon. Member for Calne has said a great deal as to the value of the endowments given to the poor, and he has spoken of them as being of an eleemosynary character. In some of the revised statutes, under the authority of the Act of 1854 of these colleges you will find that "poor" means £300 a year paid quarterly. That did seem to me to be a rather curious definition of the word "poor;" but it is the fact. No doubt we should all desire to make our Universities a large engine of education, as extensive and useful as possible, and no one is more desirous to see that done than I am. The right hon. Member for Calne said a great deal about the Colleges not receiving the students; but that has really nothing to do with the question, which is this: Whether we shall allow students to be members of the Universities without belonging to Colleges? I confess, for my own part, I do not see why Colleges which have clever tutors and good heads should not be made more extensively useful by having more pupils than they can lodge; but that has nothing to do with the question of admitting people who are not members of a College at all. In the provisions of this Bill there is nothing said about residence; there is nothing to prevent a man who may enter himself at the University from living at the North Pole. That, however, is a matter of small detail. The subject ought to be inquired into, but not by the introduction of so crude a Bill as this, which begs the whole question, and I shall therefore vote against it. If the hon. Gentleman chooses to move for a Committee to inquire into the subject and give good grounds for the Motion, I shall be glad to give it full consideration; but I do not like to prejudge a thing in this way, and to come to a conclusion which may turn out to be utterly unsound—especially when, with all the doors open at Cambridge, we have no statement from anybody to show that persons are rushing in to avail themselves of the opportunities offered to them, or that persons are willing to rush in, but do not and cannot do so on

account of the existing regulations. I think we should be doing a great evil, and possibly laying the foundation for a great mischief in the neighbourhood of the Universities, if we allowed a large number of these young men to rush in without any discipline being held over them. I think I heard the honourable Professor opposite (Mr. Fawcett) utter a sort of opinion that ladies might one day be admitted members of the Universities as well as gentlemen. But if there were to be an indiscriminate admission of female students at large, and if male students were also to be admitted indiscriminately; outside the walls of the Colleges, without any adequate system of discipline, I think a state of society might arise which would excite considerable apprehension, and which would require frequent discussion at the Social Science Congress to appreciate the results.

MR. GLADSTONE: The right hon. Gentleman (Mr. Henley) makes two principal objections to the second reading of this Bill—first, that it makes no provision for the maintenance of discipline over what we may call a new class of members of the University; and secondly, that the second reading of the Bill would prejudice the question before it was sent to a Select Committee for investigation. An examination of the Bill will, however, afford us the means of a very satisfactory reply to both these objections. In the first place, with regard to discipline, it is obvious that the plan upon which the Bill is framed has not permitted my hon. Friend who introduced it (Mr. Ewart) to enter into considerations of the detailed machinery by which effect would be given to its principles—he leaves the consideration of the question of discipline to the authorities at the Universities; and that I look upon as a merit rather than an objection to the Bill. With regard to the investigation of the subject by a Select Committee, coming after the second reading of the Bill, I quite agree with the right hon. Gentleman that that is an irregular proceeding, opposed to the method usually followed by this House—although precedents may perhaps be found for it—but I take it to be the case in this instance, that the inquiry before the Select Committee would be an inquiry into the proper mode of developing and applying the principle contained in the Bill, and for which I, for one, am quite ready to record my vote. It is a fair question

after assenting to this principle, what provision should be adopted to extend or to limit its development. The object of the Bill is this—In both Universities—in part in the University of Cambridge and strictly in the University of Oxford—statutes exist which prevent the admission to the University of any person who is not at the same time to be admitted a member of some College or Hall, or private hall, and which, at the same time, prevent Colleges or Halls from admitting persons except on certain conditions of residence. The object of this Bill is to annul the force of those prohibitory statutes, but to do no more; leaving those responsible for the conduct of affairs in the Universities to determine the conditions which should be imposed in lieu of the prohibitory statutes. The right hon. Member for Calne (Mr. Lowe) spoke with great approbation of the system which exists at Cambridge; and it may perhaps be right and wise—although I do not say it would be—for Oxford to adopt some system analogous to that; but I am bound to say I do not think the adoption of such a system would satisfy the necessities of the case. When the Cambridge University Act and the Oxford University Act also were passed, Parliament pointed out the absolute necessity of attempting to provide a supplement to the College system in the Universities by a system of private Halls. In 1854 for the University of Oxford, and in 1856 for the University of Cambridge, we recognised the insufficiency of the existing College system, and recommended a system of private Halls. But that system has utterly failed. Is it reasonable, then, that we should be asked to go a step further in order to meet the deficiency, the existence of which we have recognised, although the attempt to supply it has failed? This is only one step in advance of what was done in the former Acts. The system organized in those Acts—the system of allowing duly qualified persons to open private Halls for the reception of students, being answerable for the discipline of those students—to supply the deficiency has altogether failed and proved a dead letter. Although not literally it is substantially a dead letter at Oxford, and I believe it is the same at Cambridge. You are only asked now, then, to go one step further in order to meet the difficulty. I think we should now endeavour to take in the great breadth of the question. In my opinion

it is one which is so far from not being urgent in point of time, that it is rather to be apprehended that unless we now proceed to take measures for making a real progress in the extension of the benefits of University education, some two or three years hence, when possibly a more active spirit may pervade our legislation, means may be adopted for that purpose which will be more stringent and more drastic than many of us would desire. Let us consider the state of the University at present. I can speak more especially for the University of Oxford, with which I am more particularly acquainted. I believe that never within any recent period of our history, was there a time when the Universities contained a greater number of able and zealous teachers—men more earnestly devoted to their work—than they do at present; but while that is so, what is the case with regard to the degree in which these great establishments answer their purpose of supplying the higher education of the nation? In reference to that point I assert two things without fear of contradiction. I believe, in the first place, that if you look on the one side at the number of people requiring a University education, and on the other side at the number of those who receive it, you will find that there never was a period when the deficiency of the Universities in the performance of the important work assigned to them was so great and so manifest; and, in the second place, I believe there never was a period in the history of the University of Oxford, at all events, when it was able to do so little for the poorer class of students. I am certainly responsible for what was done in the year 1854. I believe it was at that time absolutely necessary that we should take the step which we adopted; and I think that there is no answer to the argument of my right hon. Friend the Member for Calne, with respect to the enormous mass of endowments now available for the encouragement of learning and merit, and the ludicrous limitation of the power of competing for these endowments. Let not the House suppose that the mere adoption of the Cambridge system would be a cure for the mischief; because both at Cambridge and at Oxford it is only a very small portion of the classes whom we all wish to admit to a University education that share in that advantage. What is the position of the Universities with respect to the clergy—the profession most closely connected with

them? Why there has been no period—for many generations at all events—when so large a proportion of the clergy were educated elsewhere than at the Universities. What is their position with regard to the medical profession—always one of great importance, and becoming every year more useful and more influential from the progressive march of science? Why, there is hardly a fraction of the medical profession educated at the Universities. Then, what is the case with respect to the law? Is my hon. and learned Friend the Member for the University of Cambridge (Mr. Selwyn) satisfied with the position of that University in regard to the legal profession? Are there no signs of retrogression there? How was the judicial bench of this country constituted some twenty or thirty years ago? My hon. and learned Friend knows how great a change has taken place in the relations of the University of Cambridge to that highest branch of the legal profession. And, again, what connection have the Universities with our mercantile classes? Go into the great centres of industry and you will hardly find a trace in them of University teaching. But are these classes to be excommunicated from the higher education of the country? And does there not then exist a very strong necessity for providing for them the means of participating in its benefits? There is one subject which has not yet been mentioned in the course of the debate, but which seems to me to lie at the root of this whole matter, and that is the length—what I must call the preposterous length—of the vacations of the Universities. I do not believe that those engaged in teaching at the Universities could perform their work without long periods of rest: but the entire and absolute closing of the Universities for a period of six months—and in this respect I refer most especially to the University of Oxford, in which the practice is, I believe, carried to a greater extent than at Cambridge—must of itself operate as a bar in preventing the Universities from performing their proper work. Greater freedom of residence and of teaching, and therefore a more ample use of the numerous and ample staff of endowed fellowships for the purposes of teaching, and the extension of the educational period of each year, are essentially necessary to enable the Universities to fulfil their mission. There exists, then, upon this subject a great necessity—a necessity which has

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been frequently acknowledged by Parliament, and which we endeavoured in the year 1854 to meet by provisions which we are now compelled to confess have proved totally inadequate to secure the object for which they were enacted; and those provisions having failed, nothing can be more fair or more reasonable than that we should take other steps in the same direction. I therefore give my hearty assent to the Motion for the second reading of this Bill, while I am also prepared to support the proposal that it should be referred to a Select Committee—not for the purpose of altering any of its main clauses, but for the purpose of considering whether we can add to it any other provisions with a view to give to its principle a more complete and a more secure development.

MR. GATHORNE HARDY: I am glad to think that we can discuss this measure without entering into any of those exciting topics which so readily arise in our consideration of other University questions. I would wish, in the first place, to call the attention of the House to the real facts of the case as far as they relate to the question of the extension of University education, and especially as it affects the University of Oxford. Upon that point I can state that in that University a great number of its most distinguished members met in the month of December, 1865, for the express purpose of inquiring into the best mode of extending the benefits of University education more largely. The immediate result of that meeting was the appointment of committees for the purpose of investigating the different modes of increasing the powers and extending the usefulness of that University. My right hon. Friend the Member for Calne (Mr. Lowe) says that the University authorities have been two years considering that question; but in reality it is not quite a year and a half since they first assembled; and reports have since been made by the different committees which are at present under the consideration of the central body. It is therefore quite true, as my hon. Colleague (Sir William Heathcote) has stated, that the University authorities themselves took the initiative in the movement, that nothing whatever had been done by Parliament to call attention to the matter; and, considering the important nature of the proposed change, no such length of time has been expended in their labours as would call upon this

House to interfere, and to force a premature decision on so difficult a question. My right hon. Friend the Member for Calne says that we may assent to the second reading of this Bill without adopting the principle. My right hon. Friend shakes his head; but that was certainly the meaning which I attached to his words; while the right hon. Gentleman the Member for South Lancashire states, on the other hand, that he is entirely in favour of the principle of the measure. The subject with which the Bill deals is confined to two points. One is, that a person may, with the consent of the head of a College, become a member without residing within the walls; and the other is, that any person whatever may go to the University and register himself as a member of it, though not of any College, and without any check or control, as far as this measure is concerned, from any quarter. The Bill, I may also remark, would give that right to any "person," and would therefore, I presume, in conformity with the proposal of the hon. Member for Westminster (Mr. Stuart Mill) in reference to another subject, extend to women as well as to men. The right hon. Gentleman opposite (Mr. Gladstone) says that the case is proved. It is proved, no doubt, to this extent, that everybody agrees that it is desirable to extend as far as possible the benefits of University education; and I should certainly be glad if the great mass of the clergy, of medical men, of lawyers, and of the members of the mercantile class could or would enjoy those benefits. But will this Bill redress the evil of which the right hon. Gentleman complains? I think not. You have to a certain extent already afforded that opportunity to those classes by allowing the opening of private Halls. That experiment has entirely failed, and the University authorities without pressure are and have been inquiring upon other modes of extending their sphere of usefulness. But what I object to principally is that the hon. Member for Dumfries (Mr. Ewart) should have thrown this Bill upon the table without any guidance as to the means for carrying its provisions into effect and securing the result desired, and because we have not been supplied with any data which would show us what would be its probable operation. The committees of the University of Oxford are still engaged in their inquiries into this question; and I am

enabled to state that it is at present under the consideration, not only of the committees, but of the University authorities, with the view of submitting a scheme to the governing body. Now I ask whether, under these circumstances, it would be judicious on the part of the House to thrust upon the University any particular measure before its own members have come to any decision on the subject? The University authorities are now trying to do what the House of Commons proposed to do in the year 1854, but has failed to effect; they are trying to open its doors to classes to whom it would be desirable to extend the advantages of its educational system, and I believe that nothing would be so well calculated to fit those classes for the position they are now to occupy in this country as a free access to our Universities. My hon. Friend the Member for the city of Oxford (Mr. Neate) said that this Bill would be a return to the principle on which Universities were originally founded. That might be so; I will not enter into that question. But surely when you find that in former ages Universities were entirely separated from Colleges, the fact that Colleges were afterwards established and become the component parts of the Universities naturally leads to the inference that Universities in their former condition did not ensure the object which was desired. With regard to the statement of the right hon. Gentleman the Member for South Lancashire, in reference to the length of the vacations at Oxford, I have to observe that that subject does not come within the provisions of the present measure. I must further state that I have always understood that the Scotch Universities answered the purposes which hon. Gentlemen opposite wish to secure in this country; and yet I am told that the Scotch Universities have annually seven months of vacation instead of the five or six months which are given at Oxford. It does not therefore seem to me that that can be a reason why young men should not enter our English Universities. The fact is that this is to a certain extent a question of money. There are certain classes who are not in the habit of sending their children to the Universities; they believe that they can by other means provide better for their settlement in life, and that the time spent in University education would interfere with their early success in the legal, the medical,

or other professions. I believe, however, that the Universities are acting wisely in considering how they may extend their action; and one of the proposals at present under their consideration, as I understand, is, whether students might not be allowed to keep their first year without residence. That would probably be found a great convenience in many families, while it would relieve the Colleges of the necessity of dealing with branches of education which would be more appropriately studied in grammar schools. All I ask the House upon this occasion is, before they legislate, to wait a short time, for the purpose of seeing whether the Universities may not of themselves act in this matter, and bring forward a satisfactory scheme founded on the provisions of this Bill, or on the results of any inquiries they may institute. The reports of the committees to which I have referred have not, I believe, been before the University of Oxford more than six months; and when hon. Gentlemen speak of the urgency of time in this case they ought to remember that more important subjects have been under the consideration of this House, not for six months, but for at least that number of years, before they could become the subject of legislative enactment. I think that as the University of Oxford has itself taken the initiative in this matter, the House may leave it for a time at least in the hands of men who must naturally feel most anxious to bring their labours to a conclusion that will redound to their own honour and to the benefit of the country at large.

MR. ACLAND said, they had experienced the advantages of gentle pressure, and he wished to see applied to those Gentlemen who were incubating over those plans to which the right hon. Gentleman referred some of the same gentle pressure which had been so successful in the right hon. Gentleman's own case. The subject was now ripe for dealing with by the Bill. It appeared to him that the right hon. Gentleman had hinted at the real point on which the whole question turned—namely, the fact that there is not a demand for extension of the University among the class who now frequent it. The reason why Oxford was limited to the gentry and clergy was that the College system obstructed the University system; and the hon. Gentleman who had introduced the Bill proposed to cut the knot by making it unnecessary to pass through the Colleges in order to obtain the

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full benefit of the University system. He acknowledged most gratefully that the Universities had done much in the way of testing the results of education throughout the country, and also—perhaps more than hon. Members were aware—in providing apparatus for the cultivation of the higher sciences. But still the way to Oxford was stopped because men could not afford to spend four or five years there before entering a learned profession. The right hon. Gentleman had used words which might seem to imply that, as regarded the medical profession, the University education was a hindrance rather than a help. He was sure the right hon. Gentleman did not intend to give this as his own opinion; for he must be fully aware that the heads of the profession were most anxious to encourage University education as a preparation for medical study. They must shorten the time for passing through and increase the working months in Oxford if they would do any good. He hoped the House would assent to the second reading of the Bill, and thus enable the working men of the Universities to appear before a Committee of that House, and see whether they could not obtain from its Members a more cordial reception than they met with from the Hebdomadal Boards.

Question put, “That the word ‘now’ stand part of the Question.”

The House *divided*:—Ayes 164; Noes 150: Majority 14.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* to a Select Committee.

SALE OF LIQUORS ON SUNDAY

(IRELAND) BILL.—[BILL 95.]

(*Mr. O'Reilly, Lord Cremorne, Mr. Pim.*)

SECOND READING.

Order for Second Reading read.

MR. O'REILLY, in moving that the Bill be now read a second time, said, that up to the year 1835 there was no permission to sell spirituous liquors in Ireland. Since the permission was given it was proved before Committees of that House that drunkenness had greatly increased. There was a general feeling in Ireland in favour of the measure, and he was happy to perceive that no notice of opposition had been entered on the Paper; he therefore hoped that the second reading

would be taken without opposition. Every Irish Member, so far as he was aware, was in its favour. A very large number of petitions from all parts of Ireland had been presented, praying the House to pass it, and not a single petition had been presented against it. The petitions in its favour were numerous signed, and the Bill was supported by the sellers of liquor themselves. His hon. Friend the Member for Dublin (Mr. Pim) had that day presented a petition from 239 of the publicans of Dublin in favour of the total closing of public-houses on Sundays; and he had received communications from publicans in various parts of Ireland expressing their approval of the measure, and even suggesting an extension of its provisions. He might mention that in some parts of Ireland there had been an entire closing of the public-houses on Sundays, principally through the exertions and influence of the Roman Catholic priests. It was, however, in the power of a single publican to defeat the good intentions of all the rest. The Bill closed the public-houses altogether on Sundays so far as drinking on the premises was concerned, but permitted the sale of spirits, wine, and beer if sold for consumption and consumed off the premises between the hours of one and half past two p.m., and between the hours of eight and nine p.m. It was also proposed to allow eating-houses to supply their customers with excisable liquors at dinner, and to provide for the case of Sunday excursionists.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. O'Reilly.*)

SIR FREDERICK HEYGATE said, that all classes of religionists in the North of Ireland were favourable to the Bill. There was indeed a most extraordinary unanimity on the subject, and every one who had the interest of Ireland at heart must wish to see such a measure become law. Some further inquiry into the provisions and working of the Bill would, however, be necessary, and he thought the Bill should be referred to a Select Committee.

MR. MURPHY said, it was not his intention to oppose the Bill; but the hon. Member (Mr. O'Reilly) was not correct in stating that not a single petition had been presented against it. He had himself presented such a petition from 750 of his constituents. He recommended that the

Bill should be referred to a Select Committee, or that some further inquiry should be made, in order to protect the interests of those who sold excisable liquors. He quite admitted that the most respectable publicans and spirit dealers of Cork were in favour of legislation prohibiting the sale of liquors on Sundays.

MR. MONSELL said, it was true that 750 of the constituents of his hon. Friend the Member for Cork (Mr. Murphy) had petitioned against the Bill, but they were persons engaged in the sale of liquors. In Limerick, all classes were prepared to combine to prohibit the sale of liquors on Sunday, and in his part of the country the Bill was unanimously approved. For his own part, he did not see any necessity for sending the Bill to a Select Committee.

MR. PEEL DAWSON bore testimony to the universal desire felt in the North of Ireland to see this Bill become law, and he hoped Parliament would find time to pass it this Session.

COLONEL FRENCH said, he thought that the petitions in favour of the Bill did not emanate from the people of Ireland but from certain societies. If the feeling in favour of closing the public-houses on Sundays was so universal why not leave the matter to the spontaneous action of the community. Where was the need for legislation? He thought they ought to wait to see what became of the English Bill.

LORD CLAUD HAMILTON said, he had received a great number of applications to support this Bill.

MR. PIM also advocated this Bill in the interest of those who were engaged in the trade itself, many of whom had petitioned in its favour and desired to see it passed.

LORD NAAS said, that after the general opinion expressed by the representatives for Ireland in favour of the measure he should not offer any opposition to the second reading. There had been, however, no great increase of drunkenness, and therefore there was no special evil to meet, such as that which had existed in Scotland and led to the passing of the Forbes Mackenzie Act. When the question was first mooted, he felt it to be his duty to consult persons of authority in different parts of Ireland. He accordingly addressed a letter to the Mayors of different towns. He was bound to say that much difference of opinion was expressed in regard to the expediency of this measure. The Mayor of Cork was partially in favour of such a Bill, but

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the Lord Mayor of Dublin was strongly opposed to it. He knew that persons quite as earnest in their efforts to put down drunkenness as the friends of the Bill had great doubts whether it would have the desired effect. The police authorities of Dublin feared that if the measure became law it would lead to a great amount of secret drinking. Some of the restrictions which had been in force in Dublin had had that effect; and even during the prohibited hours a great deal of drinking now went on in a certain low class of houses. That was a strong argument against the principle of this Bill; and, although he would admit that much public feeling had been expressed in favour of the measure, it would be but fair to allow its opponents an opportunity of going before a Select Committee and stating their objections. In the South of Ireland at this moment there were large districts in which, owing to the moral influence of the clergy and the effects of public opinion, there was not a single public-house open on Sundays; but in those districts where that system of voluntary closing existed there were many persons who doubted whether a legislative enactment of that kind would have as beneficial a result as the present arrangement resting on general consent. That, however, was a point to be fairly discussed. The details of that Bill would require alteration, and his own feeling was most decidedly in favour of an inquiry, which he did not think would take up much time, and which would give them greater means of information on that subject than they now possessed. Therefore, without making any Motion to that effect, he would suggest to the hon. Member who had charge of the measure whether he would not be more likely to further the progress of the Bill by consenting to refer it to a Select Committee.

Second reading deferred till Tuesday 2nd July.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 6, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—Chatham and Sheerness Stipendiary Magistrates * (142); Brown's Charity * (143); Consecration of Churchyards (No. 2) * (114).

Second Reading — (£14,000,000) Consolidated Fund *; Exchequer Bonds * (£1,700,000); Public Works Loans * (137).

Committee—Consecration of Churchyards (15), Order of the Day discharged; Chester Courts * (145); Pier and Harbour Orders Confirmation * (117); Intestate Widows and Children * (120).

Report—District Prothonotaries, Court of Common Pleas, County Palatine of Lancaster * (107); Contagious Diseases (Animals) * (139); Pier and Harbour Orders Confirmation * (117); Intestate Widows and Children * (120).

Third Reading—Army Enlistment * (112), and passed.

CONSECRATION OF CHURCHYARDS
BILL.

(*The Lord Redesdale.*)

(NO. 15.) BILL WITHDRAWN.

Order of the Day for the House to be put into a Committee read.

LORD REDESDALE said, his right rev. Friend (the Bishop of Oxford) had on Tuesday last given notice of an Amendment to the effect that all after the word "whereas" in the Preamble should be left out and an entirely different set of clauses introduced. Now, that Amendment, in reality, amounted to a new Bill, and it was not, in accordance with the rules of the House, open to the right rev. Prelate to move on going into Committee on a Bill to substitute another for it. What he should under the circumstances propose was that the right rev. Prelate should introduce his Bill that evening, and that further discussion on both measures should be postponed until after the Whitsuntide recess, when, if the House should prefer to adopt the proposal of the right rev. Prelate, he would not press his own.

THE BISHOP OF OXFORD stated that in the course which he had taken in the matter he had acted upon the advice of the next highest authority to the noble Lord himself. Both the noble Lord and himself entirely concurred in the main object which was sought to be effected, and he should be quite ready to adopt any arrangement by which that object could be most satisfactorily carried out. He had prepared a Bill which he would now lay on

the table, and the second reading of which might be taken after the recess.

LORD PORTMAN thought the difference between the two Bills was so great that it would be better to go into Committee on the Bill of the noble Lord (Lord Redesdale), and make such Amendments in it as might be necessary. If that course were not adopted, it would be advisable, in his opinion, that both Bills should be referred to a Select Committee.

THE EARL OF DERBY, while disposed to look upon the course taken by the right rev. Prelate in proposing an Amendment to the effect that the Preamble and the clauses of his noble Friend's Bill should be struck out—if it was not contrary to the rules and orders of the House, at least—as somewhat unusual, did not think there was between the two Bills any very essential difference. The Bill of his noble Friend proposed that the consecration of the additions to churchyards might be effected by means of writing under the hand of the Bishop; while that of the right rev. Prelate would render the presence of the Bishop within the churchyard necessary. That was the chief difference between the two measures; upon the question of expense they were, he believed, nearly identical. The best plan to adopt under the circumstances was, in his opinion, that the Bill of the right rev. Prelate should be read a first time, and that the further stages of the two Bills should be postponed until after the recess, when it might be determined whether it was better that they should be referred to a Select Committee, or that the whole question should be disposed of by the House itself. He wished, he might add, to lay on the table a clause which he intended to move whenever both Bills or either of them went into Committee, the object of which was to provide that no religious ceremony should be invalid which took place between the making of any alterations which might render re-consecration necessary—for instance, the removal of the communion table in a church, and the re-consecration of that portion of the church. After the alterations were completed a considerable time might elapse before it would suit the convenience of the Bishop to perform the act of re-consecration, and the services would in the meantime be put a stop to unless some such provision as that which he suggested were introduced into the Bill.

After a few words from Lord STANLEY of ALDERLEY,

THE BISHOP OF OXFORD stated that the Bill which he had introduced had been drawn up by himself after consultation with his right rev. Brethren, and before Convocation knew anything of the matter.

LORD REDESDALE said, that he had previously consented to a postponement of the Bill in order that the opinion of Convocation might be taken upon it. He had, however, taken the second reading, because he did not wish it to be supposed that he was desirous of putting off the Bill, and also because he wished to give notice of certain alterations. He was not desirous of forcing his opinions upon others, but he had thought that the question was one which ought to be raised, and he was glad to hear the course which the right rev. Prelate intended to pursue. He would also suggest that attention should be given by Convocation to the expediency of making the fees upon consecration uniform in all dioceses. He would now move that the Order for going into Committee be discharged.

LORD STANLEY OF ALDERLEY objected to the doctrine countenanced by the noble Lord, and protested against their Lordships affording any sanction or encouragement to the proceedings of Convocation.

THE DUKE OF BUCCLEUCH thought that Convocation had as much right to express an opinion on any matter as the corporation of London, or any other body. Indeed, the House was on many occasions indebted to Convocation for ascertaining the opinion of the clergy. He thought, with reference to the Bill before the House, that the matter was one which might be regulated by the right rev. Prelates themselves without legislative interference. The large expenses which were complained of arose, however, in many instances, not from the fees, but from the charge for conveyance. Deprecating, as he did, the adoption of any general measure to meet a particular case, he should be sorry to see a Bill of this kind passed.

THE ARCHBISHOP OF CANTERBURY said, that he proposed to lay on their Lordships' table on the following day a Bill for assimilating the fees payable on consecration throughout the various dioceses.

Order discharged.

Lord Stanley of Alderley

CONSECRATION OF CHURCHYARDS (NO. 2) BILL [H.L.]

A Bill relating to the Consecration of Churchyards—Was *presented* by The Lord Bishop of Oxford; read 1^a. (No. 144.)

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 6, 1867.

MINUTES.]—NEW WRIT ISSUED—*For* Weymouth, *v.* Henry Gillett Gridley, esquire, Manor of Northstead.

SELECT COMMITTEE—On Game Preservation (Scotland) and Game Laws (Scotland), Colonel Hamlyn Fane, Mr. Read, and Mr. Bonham-Carter *added*; on Metropolis Subways *nominated*.

SUPPLY—*considered in Committee*—ARMY ESTIMATES.

PUBLIC BILLS—*Resolution in Committee*—Pier and Harbour Order Confirmation (No. 3).

Ordered—Christ Church Ordinances (Oxford)*; Local Government Supplemental (No. 4)*; Poor Law Board, &c.*; Pier and Harbour Order Confirmation (No. 3).*

First Reading—Local Government Supplemental (No. 4)* [191]; Pier and Harbour Order Confirmation (No. 3)* [192]; Poor Law Board, &c.* [193]; Statute Law Revision* [194].

Second Reading—Inclosure (No. 2)* [186]; Local Government Supplemental (No. 3)* [187]; British White Herring Fishery* [173].

Committee—National Gallery Enlargement* (*recomm.*) [169].

Report—National Gallery Enlargement* (*recomm.*)* [169].

Considered as amended—Railway Companies [164].

Third Reading—County Treasurer (Ireland) [159], and *passed*.

RAILWAY BILLS—STANDING ORDERS— RESOLUTION.—QUESTION.

MR. MILNER GIBSON rose to call attention to the discrepancy which now exists between the Standing Orders of the two Houses of Parliament in regard to the provisions made for securing the completion of Railways, and to put a Question to the Chairman of the Committee on Standing Orders in relation thereto. That he might put himself in order he would conclude with a Motion in reference to the Railway Bills of the present Session. During the last year, in the other House of Parliament, a Committee of Inquiry sat who recommended an alteration in the Standing Orders of that House. The con-

clusions come to by that Committee—which he must say did not appear to him to be supported by the evidence—were embodied in the Standing Orders of the other House, and the effect was to make a complete alteration in the provisions hitherto put into Railway Acts in order to secure the completion of the works which Parliament authorized. In point of fact, the new Standing Order of the House of Lords was a sort of modified subscription contract, entirely at variance with the Standing Orders of the Commons on the subject of deposits. The Standing Orders of the House of Commons required a deposit of 8 per cent to be made in certain Railway Bills, by way of security for the completion of the works authorized by Parliament. The deposit was allowed to be withdrawn on a bond being given to the satisfaction of the Treasury that the money should be forthcoming, if called for, and the money was to be forfeited to the Crown if the promoters failed to execute the works within the time limited by their Act. The Standing Order of the House of Lords was on a very different principle. When the railway was completed, or when half the share capital had been raised and expended on the works, the depositors were to receive shares to the amount of their deposits, and the company were to draw out the money for the execution of the works. This was completely different in principle from the Standing Order of the Commons; and he thought it expedient that the two Houses should have some common principle of action. If there were two rules great inconvenience would be the result. It had been proposed in “another place,” by the noble Chairman of Committees, that for the present Session the difficulty should be got over in this way—that all Railway Bills that went up from the Commons to the Lords should contain the Commons’ Standing Order clause, which the Lords should strike out and for it substitute their own, and *vice versa*; that all Bills sent from the Lords to the Commons should contain the Lords’ clause, which the Commons should strike out, substituting for it their own. Now, the result of this would be that a certain number of the Private Bills would contain one kind of security and the remainder another. But there were, I believe, twelve Railway Bills going from the Commons to the Lords, and only two coming from the Lords to the Commons—those

two being the Fulham Railway Bill and the Isle of Wight Railway Bill. So that the Lords’ clause would be inserted in twelve Bills, the Commons’ clause in only two. He did not think this quite a fair division. Nor did he think we ought to apply any new rule to the Railway Bills of the present Session. The promoters of Bills had made their arrangements with regard to the Bills now before Parliament according to the existing Standing Orders, money had been provided according to those Standing Orders, and it had been the prevailing belief among the Parliamentary agents that the new clauses required by the House of Lords would be waived during the present Session. He thought it would be unfair at this period of the Session, and especially unwise considering the probabilities as to future railway legislation in consequence of the inquiry before the Railways’ Committee, if this were not done. The Committee which had sat under the presidency of his hon. Friend the Member for North Lancashire (Colonel Wilson Patten) recommended that although a revision of the Standing Orders with regard to these Bills was desirable, no change should be made that would affect the Bills of the present Session. He believed that the Chairman of Ways and Means (Mr. Dodson) also supported this view of the case. He (Mr. M. Gibson) therefore proposed that the House of Commons should resolve that it was inexpedient to apply any new Standing Order, with regard to the deposit as a security for the completion of railways, to the Railway Bills of the present Session. He would not discuss the merits of either Standing Order, but this he would say, that the Commons’ Order did not appear to have been unsuccessful. The object was to secure the completion of works which Parliament had authorized; and he believed that a large proportion of the railways authorized by Parliament since the present deposit system had been adopted had been carried into execution. The right hon. Gentleman moved a Resolution accordingly, that, considering the advanced period of the Session, and the probability of the House taking a review of railway legislation, it was inexpedient to make any alteration in the present Session of the existing Standing Orders, so as to affect the Bills before the House.

Motion made, and Question proposed,

“That it is inexpedient, considering the advanced period of the Session, and the probability of

a review by Parliament of Railway Legislation, to make any alterations in the case of Bills of the present Session, in the provisions for securing the completion of Railways which have hitherto been adopted in Railway Acts.”—(*Mr. Milner Gibson.*)

COLONEL WILSON PATTEN said, that having had the honour of presiding over the Committee to which allusion had been made by the right hon. Gentleman (*Mr. Milner Gibson*), he wished to offer a few remarks. At the end of the last Session—he believed in the very last week—the noble Lord (*Lord Redesdale*), who discharged the duty of Chairman of Committees in the other House with so much credit and so much usefulness to the country, did him the honour of suggesting that he should propose in the House of Commons a stringent alteration of the Standing Orders of the House, in accordance with what he was himself about to propose in the House of Lords, involving the forfeiture of the deposit under certain circumstances not contained in the then existing Standing Orders of the Commons. He told the noble Lord he had better exercise his own judgment in the House of Lords, and that he (*Colonel Wilson Patten*) would call attention to the subject in the Commons in the coming Session. In the House of Lords there was a considerable difference of opinion; but the stringent Resolution was passed, which now formed a portion of the Standing Orders of the other House. In the present Session he consulted many Members of this House on the subject without obtaining their concurrence; and he then brought the subject under the attention of the Committee recently appointed to consider the subject; who came to a Resolution that it was not desirable to adopt as a Standing Order of the House the Resolution of the House of Lords, and that it would be better to defer the subject till a later period of the Session, when an opportunity might be afforded to settle the point. As this seemed hardly the best way of settling the difficulty, the Chairman of Committees thought a Committee should be appointed to consider the discrepancy. A Committee was appointed, and was impartially chosen, and he (*Colonel Wilson Patten*) had the honour of presiding over it. That Committee came to the unanimous conclusion that it was inexpedient to make any alteration in the Standing Orders of this House in the present Session. The Chairman of Committees and himself communicated this to

Mr. Milner Gibson

the noble Lord in the other House, and they also saw him with a view to an understanding on the subject. They failed in accomplishing that object. The noble Lord, he was sorry to say, seemed to think that there was some discourtesy shown to him in not summoning him before the Committee to give evidence. But, so far from intending any act of discourtesy, they, on the contrary, acted towards the noble Lord with the utmost courtesy. They did their utmost to come to an understanding; but all was in vain, and the result, as had been stated, would be the adoption of two systems of legislation with regard to Private Bills of the same character. According to the public journals he found it had been suggested elsewhere that there should be a Joint Committee of the two Houses to consider the difficulty. He was favourable to this plan, and he thought it would be a public calamity if, owing to a discrepancy in the Standing Orders of the two Houses, Bills involving an expenditure of several millions should be deferred till another Session. The whole of the Committee thought that some alteration in the Standing Orders was required, but that the stringency of the Standing Orders of the Lords ought not to be adopted in the present Session.

MR. STEPHEN CAVE said, he was of opinion that these artificial restrictions on the making of railways were contrary to public policy. In a short time, when the great railways had pretty well divided the country between them, it would be very difficult to get new lines made at all; and therefore the placing additional obstacles in the way would be productive of mischief and inconvenience. He had read the evidence of the Lords' Committee last year, and must say he quite agreed that it did not seem to him to bear out the allegation that the alteration adopted was needed. He did not agree that the deposit was intended to be employed in the construction of the railway. It was a mere guarantee. It seemed to him that the intention of the deposit was to secure the *bond fides* of the undertaking. When the Legislature allowed lands to be compulsorily taken over a wide extent of country it had no right to place that power in the hands of people who did not intend to use it properly, but to hawk it about for sale perhaps, keeping the landowners and neighbourhood in a state of uneasiness. It was said that, in fact,

no bond was ever enforced; but if the deposit had not been forfeited or the bond enforced that was no argument against the principle of the rule, but against its administration; or if it were an argument against the principle it was only so far as it showed that the penalty was too severe. He rather agreed with Mr. Booth, formerly Secretary of the Board of Trade, a witness of the greatest intelligence and experience, who expressed an opinion that a small deposit should be required; and that if the railway company failed to perform their undertaking within a reasonable time they should be wound up and the expenses and damages paid out of this deposit. If the line were made how could it matter whether a contractor made it on his own account, finding the money, or whether he was himself paid for doing so by a body of shareholders? Shareholders had nothing very tempting in prospect to induce them to make a line. The contractor had an additional inducement; therefore he was willing either to find or borrow the money instead of the shareholders. Why should he not? It did not cost more to make the line. What was the cost of a line? Did it not consist of labourers' wages and materials? If anything, the contractor's line was made more economically, because it was his interest to look more sharply into it. But it was said that he was paid enormously for finding the capital. Perhaps he was—he was paid for interest of money and risk; but that did not matter to the public—the money fructified, to use a term now in vogue, in his hands as well as in those of a body of shareholders. Experience had shown that these restrictions had failed in their object. The old subscription contract, to which this was a partial return, broke down utterly. Under it there had been abandoned up to 1855 fifty-five trunk lines, authorized to raise above £20,000,000 of capital, and 152 branch railways, representing upwards of £21,000,000; whereas under the present system, which had been in operation since 1858, out of 302 lines, not more than twenty had failed to redeem their deposit up to last year. So said Mr. Baxter, a high authority in such matters, before the Lords' Committee. With regard to the present difficulty, he must say that the proposal that a portion of the Bills should be passed on one principle and the rest on another, by mere haphazard, on no principle of selection, was likely to lead

to great dissatisfaction; and, on the part of the Board of Trade, he might say that the President and himself agreed in thinking that no interruption ought to be caused to the Bills now before Parliament by any innovation this year, but that it might be well for the authorities in both Houses to endeavour in a Committee or by a Conference to come to some agreement for the future.

MR. DODSON said, he entirely concurred in the remarks which had been made by his right hon. Friends, both as to the policy of the new Standing Order of the House of Lords, and as to the course pursued by the Committee of this House. The difficulty between the two Houses had arisen in consequence of the House of Lords having made a Standing Order which was not of the same character which a Standing Order of either House usually was, and he might perhaps say invariably should be—namely, an Order referring solely to proceedings of that House. The Standing Order of the House of Lords required that in every Railway Bill which was introduced there should be inserted a particular clause. Now, if one House took upon itself thus—by a rule of general application to direct the insertion of a clause, such a course of procedure in reality amounted to legislation by a single House of Parliament. He trusted the House would concur in the proposal of his right hon. Friend (Mr. Milner Gibson). If it should be thought fit to appoint a Joint Committee of the two Houses to consider what should be done in reference to the Railway Bills of future Sessions as to point at issue, a satisfactory result might perhaps be brought about. He thought it might moreover fairly be considered whether it would not be desirable that at the commencement of each Session a Joint Committee of both Houses should be appointed, to which all Standing Orders that went beyond the proceedings within the walls of the particular House which wished to adopt the Order should be referred. If some such course were adopted each House would avoid the risk of being placed in a difficulty like the present.

Motion agreed to.

Resolved, That it is inexpedient, considering the advanced period of the Session, and the probability of a review by Parliament of Railway Legislation, to make any alterations in the case of Bills of the present Session, in the provisions for securing the completion of Railways which have hitherto been adopted in Railway Acts.—*(Mr. Milner Gibson.)*

EDUCATIONAL BUILDING GRANTS.

QUESTION.

MR. ACLAND said, he wished to ask the Vice President of the Committee of Council on Education, Whether the following Statements, purporting to be made on his authority, correctly represent the present practice of the Education Department:—1. That if an application for a building grant for a National School proceed from a parish of fewer than 900 souls, the proportion of Dissenters being more than one-sixth, the Education Department suggest the adoption of a Conscience Clause for a school adequate for the entire parish, but do not insist upon the Clause being adopted. 2. That if the promoters decline the Conscience Clause they may reduce their plans to the needs of their own Church people, and receive a grant on the diminished scale. 3. That the Department will grant aid for building schools planned for as few as twenty scholars in a parish having fewer than 900 souls, but composed partly of Churchmen and partly of Dissenters. And whether the Education Department takes any, and what, measures to encourage the elementary education of a Dissenting minority in parishes in which a grant is made to a National School, and in which there is no prospect of a separate school for the use of Dissenters being adequately supported?

LORD ROBERT MONTAGU: Sir, I have given no authority for statements of the kind referred to, for when I made a full statement to the House on the subject, I thought I had done all that my duty required me to do. As regards the first Question, if the hon. Gentleman would omit the limiting words, my answer to it would be in the affirmative. As to our insisting on the Conscience Clause when building grants are applied for, that is what we do not do. When an application is made from a parish of less than 900 inhabitants, where the Dissenters amount to one-sixth, we suggest the Clause; but if it is refused, we do not insist upon it, for the promoters may themselves build the school without the grant. As to the second Question, that does not apply to places with less than 900 inhabitants. It refers to large or two-school parishes. In those cases the Churchmen may apply for a grant for themselves, and the Dissenters for a grant for themselves; but we have no such rule as regards one-school parishes—that is to say, parishes with less than

900 of population. From the third Question, also, I must also omit the limiting words at the end. A grant has been given to build a school for as few as twenty children; another grant was given to build for thirty children; and a week ago I gave a grant to build a school for twenty-eight children. This was because the labouring population was so scanty. As to the limiting words at the end, the case has never arisen. In each of the instances I have mentioned, there were no Dissenters in question. Lastly, our principle is not to take the initiative, but to trust to local voluntary effort. Where a minority is very small the State cannot notice it. The right hon. Member for Calne in one of his speeches laid down this principle in the words of the old maxim of law, "*De minimis non curat lex.*" Where the minority is considerable the House may think it always right that it should be represented.

MR. ACLAND: I do not understand the noble Lord as having answered my second Question—namely, whether in a parish of less than 900 inhabitants, the Dissenters not being a small minority, the Churchmen may take a smaller grant without the Conscience Clause?

LORD ROBERT MONTAGU: I said that in a large or two-school parish Churchmen and Dissenters might have each their own school, and each might have a building grant; but in the parishes to which the hon. Member alludes of 900 inhabitants or less, where more than one-sixth of the population are Dissenters, we do not follow such a rule; and if the Conscience Clause is refused, the grant is not made.

IRELAND—THE "BLACK DEATH."

QUESTION.

MR. VERNER said, he wished to ask the Chief Secretary for Ireland, Whether he has received any information from the Registrar General, or other authority, with regard to the very fatal disease, called in the newspapers "Black Death," which has of late been prevalent in the neighbourhood of Dublin?

LORD NAAS: I have, Sir, received information from the Registrar General of Dublin that up to the 13th of May fifty deaths were registered in Dublin as resulting from *febris niger* and *purpura maligna*, but no death from the "Black Death" appears upon the Register; and I have his authority for saying that the diseases

specified have no analogy to the "Black Death" of the Middle Ages—a disease which since those times has not been known in this country.

METROPOLIS—THE LONDON UNIVERSITY.—QUESTION.

MR. J. GOLDSMID said, he wished to ask the First Commissioner of Works, When the new design for the elevation of the University of London is likely to be finished; and, whether he will, before giving orders for its execution, afford the House and the University an opportunity of expressing an opinion upon it?

LORD JOHN MANNERS: Sir, I am not able to say when Mr. Pennethorne will be able to complete his new design. The view I take of the vote of Friday is that the House itself wishes to choose the design, and I shall therefore place Mr. Pennethorne's design in the Library, in order that the House in its capacity of Building Committee may have an opportunity of inspecting it. As regards the University, I am bound to say that I do not feel it part of my duty to add so largely to that Committee.

METROPOLIS—VENTILATION OF SEWERS.—QUESTION.

SIR GEORGE STUCLEY said, he wished to ask the Vice President of the Council, Whether his attention has been called to the present system of ventilating the sewers by shafts covered with open iron gratings placed in the centre of narrow and much frequented thoroughfares; and, whether the gases dispersed by means of such gratings could not be carried off in some other way?

LORD ROBERT MONTAGU: Sir, there is no smell from well-constructed and well-kept sewers. It is only when a deposit is allowed to collect that noxious gases are given off; if the sewer is well flushed no deposit can take place. If the sewers were not ventilated from the streets they would be ventilated into the houses. That is a fact which is well known to occur. The only way of avoiding the difficulty would be to have shafts carried up the sides of the houses; but as that would interfere with the rights of property, it could not be done without leave from the owners. The whole matter, however, is in the hands of the local authorities, and the central Government have no power whatever to deal with it.

CASE OF THE "TORNADO."

QUESTION.

MR. GREGORY said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he can obtain and lay before the House a Copy of the Papers found on board the *Tornado*, and referred to by the Spanish Auditor in his Report dated the 6th day of September, 1866?

LORD STANLEY: As soon, Sir, as I saw the hon. Gentleman's notice I telegraphed to Sir John Crampton, and Sir John has promised to send us the information required. He says that no copy of the papers is kept at Madrid. I therefore suppose he will have to send for them from Cadiz; there may consequently therefore be some delay in producing them.

DISTRESS IN IRELAND.—QUESTION.

MR. GREGORY said, he wished to ask the Chief Secretary for Ireland, Whether he has received any fresh accounts on the subject of the distress prevalent in the West of Ireland, and what course the Government is taking in dealing with this calamity; and, if he will lay before the House a Copy of the Memorials presented to the Lord Lieutenant of Ireland by the Proprietors of Lands adjacent to the River Suck, and by the Town Commissioners of Ballinasloe, and the Reply of the Government to these Memorials?

LORD NAAS, in reply, said, he did not know whether the Question referred specially to Connemara or to the West of Ireland generally. [MR. GREGORY: Connemara.] As regarded Connemara, the Government had received from time to time various accounts of distress said to be prevailing there; and the Treasury had ordered the commencement of certain works, which would, in the ordinary course of things, be undertaken next year. The works were confined to the erection of two new piers, and to the enlargement of one or two existing ones. At Spiddal the sum of £6,000 would be spent upon works of this character, and at Clifden £1,200, to be supplemented in each case by sums derived from local sources to the amount of one-fourth of those grants. There were also small works at Lenane which would cost £240, and at Barne-darrig £100. These works would be undertaken under the provisions of an existing Act of Parliament, and a Vote would be submitted to the House for this purpose. He had great hopes that the em-

ployment thus given, together with the efforts made by the proprietors of the district, would be sufficient to alleviate the distress. With regard to the distress existing in the county Mayo, he had last week received a copy of resolutions passed at a meeting held on that subject, and the Poor Law Inspector had been instructed to visit every portion of the Westport Union, and particularly the islands which lie along the coast. It was principally to the proprietors and to the local resources of the district that the Government must look for the alleviation of distress, and every effort would be made on the part of the Poor Law Commissioners to impress upon the guardians of these unions the necessity of using their utmost exertions with this object. With regard to the Westport Union, the affairs of that union were in a comparatively prosperous state, and they had at the present moment a considerable sum of money to their credit. As to the second part of the Question, he had asked for information, and would be prepared to answer it to-morrow.

ARMY—SALE OF COMMISSIONS.

QUESTION.

MR. McCULLAGH TORRENS said, he would beg to ask the Secretary of State for War, If any regulation has been promulgated prohibiting exchanges, or the sale of Commissions by Officers of the Military Train; with the reason and date of such Regulation; whether Officers recently appointed or permitted to exchange into the Regiment have been previously made aware of such Regulation; and, whether promotion has been suspended in the Regiment, and for what time?

SIR JOHN PAKINGTON said, in reply, that no regulation had been promulgated prohibiting exchanges or the sale of commissions by officers of the Military Train; but since 1863 it had been the custom to inform all officers receiving their first commission that the Military Train would probably cease to be a purchase corps, and, therefore, that they would no longer be at liberty to sell their commissions. It was entirely untrue that promotion had been suspended in the corps.

IRELAND—THE FENIAN PRISONERS.

QUESTION.

MR. MAGUIRE said, he rose to ask the Chief Secretary for Ireland, If he has

Lord Naas

any objection to state the decision to which the Government have come with respect to the Fenian Prisoners still under sentence of death for high treason, and who as yet have received no announcement of their sentence having been commuted?

LORD NAAS said, in reply, that the sentence of death passed on the two chief Fenian convicts had been commuted to penal servitude for life, and in the case of the prisoners sentenced to death at the Cork Special Commission, their sentences had been similarly commuted last Tuesday. All the Fenian prisoners upon whom sentence of death had been passed had been dealt with in the same way.

RITUALISM—THE ROYAL COMMISSION.

QUESTION.

MR. FOLJAMBE said, he would beg to ask the Secretary of State for the Home Department, Whether it is true that the Archbishop of York has declined to serve on the Royal Commission on the ground that the Church of England, as distinct from the Ritualists, is not fairly represented on the Commission?

MR. GATHORNE HARDY: I regret, Sir, to state that the Archbishop of York has declined to serve, but he has never assigned any such reason to me, or to anybody else, as far as I know. I need not say that if he had done so, it would have been received by the Government with the most respectful attention, and with a desire to remove any such objection.

METROPOLIS—STREET OUTRAGES.

QUESTION.

MR. OWEN STANLEY said, he would beg to ask the Secretary of State for the Home Department, If his attention has been called to the outrages committed upon respectable persons walking in the streets in the day time by bands of ruffians, who take the opportunity of crowds collected by Volunteer, Militia, and other Military bands passing through the streets to hustle and rob them; and if any orders have been issued to the Police to protect the public from a continuance of those disgraceful attacks in the Metropolis? From what had appeared in the newspapers, it appeared that in some instances the police, when appealed to, had refused to do their duty.

SIR ANDREW AGNEW said, he had placed upon the Notice Paper a similar Question. On Monday, the 3rd of June,

three robberies were reported as having taken place between Great Stanhope Street and Hyde Park Corner, and the police-offices of Marylebone, Worship Street, Clerkenwell, Southwark, and Lambeth were thronged with complainants. One witness, whose statement was partly confirmed by a constable, said he saw thirty watches taken within a short distance. A lady living in Devonshire Terrace was robbed and very much bruised. Another person, who was maltreated and robbed, could with difficulty be heard in Court, owing to the injuries he had received in his throat. A foreigner was seen flying down the City Road followed by 100 ruffians. It should be understood that these outrages were not confined to the line of march of the militia, but occurred contemporaneously on the South side of the river, in Pall Mall, in the New Road, and in Park Lane. A wedding in Cavendish Square was the occasion of many robberies in that neighbourhood, and the usual reliefs of the guard at St. James' Palace were stated as the cause of similar practices in the Mall. He thought it high time that the Secretary of State for the Home Department should, in conjunction with the Metropolitan Police authorities, take some steps to put an end to these outrages.

MR. GATHORNE HARDY: I saw, Sir, with great regret in the papers yesterday morning an account, written by different persons, of outrages committed the day before on the march of the City of London Militia, accompanied by a large mob of persons. I immediately directed a letter to be written to the Commissioners of Police, calling their attention to these statements, and asking for an explanation. From the information I have received it appears that the City of London Militia, without any notice whatever to the police, marched through the streets from Finsbury to the Regent's Park, going through some of the most public and open thoroughfares in the metropolis. They were accompanied by an organized gang, many of them convicted thieves, and these persons necessarily took by surprise the ordinary police force which was on duty. The police were not in numbers enough to prevent the attacks made upon persons who were quietly passing along the streets, not suspecting any harm. The police, however, took no fewer than nine of those persons at the time; altogether, I think, fifteen persons have been arrested; several of

them have been identified before the magistrate, and have been remanded for further examination. The amount of property taken in twenty-six instances amounts, I think, to somewhat more than £150; that is putting, probably, a very low value upon the articles taken. As it sometimes happens that after such outrages have once been commenced there is a tendency to renew them, directions have been given to strengthen the police as far as possible at the points where it is likely that attempts of this sort may be made. It is only just however to the police to say that there is only one case in which a policeman has been called to account for not assisting to prevent these outrages. It happened in this way: at the time when one of these robberies had taken place a large number of children were beating the bounds of the parish. A gentleman came up to the policeman and said, in great agitation, "That is the man! Take him!" But he made no charge, and when the policeman asked, "What is it?" he gave no answer. The excitement of the gentleman was so great that the policeman did not know whether he referred to the mob or the children, and it was only when another person came up and said, "The gentleman has been robbed of his watch," that he could understand what had occurred. The policeman then went across the road and secured the man. It should be known that the police at this season have very onerous duties to perform, and between 300 and 400 of them are now employed in protecting the metropolis against the intrusion of the cattle plague. I am sure that after what has passed the Commissioners of Police will do all in their power to prevent the recurrence of robberies which, I must say, are a disgrace to the metropolis.

MR. OWEN STANLEY said, he wished to say in explanation that he had spoken upon the evidence given in the police-court by Mr. Brett, who had been robbed, and who stated that when he pointed out the man to the policeman, the latter said, "You can go and catch him yourself."

COURTS OF LAW, &c., (SALARIES AND EXPENSES).—QUESTION.

MR. AYRTON said, that a question arose the other night, after midnight, as to the competence of a Gentleman sitting on that (the Opposition) side of the House moving Resolutions that certain charges

relating to Courts of Law should be defrayed not only by Votes of Parliament, but also out of the Consolidated Fund, and it had been found impossible to dispose of the matter on that occasion. It was understood, however, that his hon. Friend who was to move the Resolutions would communicate with Her Majesty's Government with a view to determine what should be done. Now it appeared to him that such a Motion should be made by some Minister of the Crown, and he would therefore beg to ask the hon. Member for Pontefract or Mr. Chancellor of the Exchequer what was to be done in reference to this matter?

MR. CHILDERS said, that the Motion which stood in his name, and which was to have been moved in a Committee of the Whole House, was one preliminary to which the usual assent of the Crown had been given, and as a matter of form he was perfectly justified, with the consent of Her Majesty's Government, in making it. But he agreed with his hon. Friend that as a matter of policy it was better that any Resolution placing a charge upon the Consolidated Fund should be moved by a Minister of the Crown, and should not proceed from that (the Opposition) side of the House. What he proposed to do, then, was, when they came to the Order in question, not to move Resolutions 1, 2, and 3, but to move Resolution 4, that the salaries and expenses therein specified should cease to be charged on the Consolidated Fund. That was a Resolution diminishing the charge on the public, which any Member might move.

AGRICULTURAL STATISTICS.

QUESTION.

MR. READ said, he wished to ask the Vice President of the Board of Trade, In what month the Government intend to collect the Statistics of Live Stock and Crops this year; when it is probable those Returns will be complete; and, when they will be published?

MR. STEPHEN CAVE said, in reply, that forms for making Returns of the acreage under crops and of the number of live stock would be transmitted by post to all occupiers of land in Great Britain previously to the 25th of the present month, upon which day the occupiers were requested by the printed instructions to fill in the forms, and return them as soon as possible to the collecting officers.

Mr. Ayrton

The time of completing and publishing the aggregate Returns must greatly depend upon the promptness with which the forms were filled up and returned by the occupiers. It was the wish of the Board of Trade that the information to be furnished by the Returns should be in the hands of the public at the earliest practicable period.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—FENIAN RAID IN CANADA— FIELD ALLOWANCE.—QUESTION.

SIR ANDREW AGNEW rose to ask the Secretary of State for War, Whether, by the Royal Warrant of July 1, 1848, as well as by the Horse Guards' Circular of April 15, 1862, the Troops engaged in repelling the Fenian Raid in Canada in June, 1866, are not fairly entitled to receive three month's extraordinary field allowance, instead of one month's allowance which has been issued? The House would remember that on the morning of June 1, 1866, about 1,200 Fenians, well clothed and armed, under a person calling himself Colonel O'Neill, crossed from Buffalo and landed at Fort Erie, intending to destroy the Welland Canal. That same day the 1st Battalion of the 16th Regiment, a wing of the 47th, and a field battery, took the field under the command of Colonel Peacocke, and encamped that night at Chippewa. Next day another field battery, the right wing of the 47th, and a detachment of the 60th Rifles, went to the front under Colonel Lowry. These troops were several weeks under canvas, were entitled to field allowance, and, if entitled at all, it seemed clear, by the Horse Guards' Circular, that it should be for three months, and that paid in advance. The War Office Warrant, although "to be administered and interpreted by the Secretary of State for War," was perfectly clear, and was as follows:—

"Extraordinary field allowances are sanctioned in cases when and wherever troops are engaged in military operations in the field in time of war, disturbance, or insurrection, whether actual or apprehended. Mode of Issue.—Extraordinary for three months in advance, commencing from the date of the order to take the field. Rate.—Ensigns, 2s.; lieutenants, 2s. 6d.; captains, 3s. 6d. per diem."

If it was answered that the General Commanding-in-Chief in Canada did not apply for more than one month's allowance, or thought it enough, he would reply that the General in immediate command had frequently applied for the three months, did think his officers entitled to it, and both he and his officers were extremely dissatisfied. That dissatisfaction was increased by the fact that General Hastings Doyle, commanding in Nova Scotia, did at once draw and receive three months' field allowance for his division for precisely the same service; and the Home authorities had tacitly admitted the justice of the claim of the Upper Canada Forces by sanctioning General Doyle's claim on behalf of his officers. He trusted the right hon. Gentleman the Secretary for War would give this matter his favourable consideration.

ARMY—ARTICLES OF WAR.

RESOLUTION.

MR. DARBY GRIFFITH said, he rose to call attention to the manner in which important alterations in the Articles of War, seriously affecting the liberties and increasing the penalties that may be inflicted upon the officers and men of the Army, may be effected without the previous knowledge of the Army, of Parliament, or of the country, and to move that in future it will be desirable that the Articles of War, as intended to be issued, with the alterations proposed to be made in them by the erasure of the old and substitution of the new Articles, in the manner now employed, should be laid upon the Table of the House at the same time as the introduction of the Mutiny Bill. He must complain of the way in which supplementary legislation for the Army was permitted by means of the Articles of War. This House had always kept a jealous care over the constitution and regulations of the Army; and though the nominal command of the Army was placed in the hands of the Crown, that was only as a matter of general convenience, and did not in the least affect the entire subordination of the Army to Parliament. The complaint which he had to make did not relate to the present Secretary for War, but to his predecessor, the noble Marquess opposite (the Marquess of Hartington). In 1865 the 18th Article of War set forth that any officer or soldier who was arrested should not be kept in confinement for

more than eight days previously to being brought to a court martial, and that any officer keeping him longer in confinement should be liable to be cashiered. Since then, however, an alteration had been made in the Articles of War without Parliament, or the public, or the Army knowing anything about it, and the alteration was to the effect that an officer or soldier under arrest should be brought before a court martial or discharged "within a reasonable time." That reasonable time, of course, was left to the discretion of the commanding officer, and no such unlimited power of imprisonment without trial was ever delegated by Parliament to any one, even to the Crown itself. It was a suspension of the Habeas Corpus of the Army without any notice to the public or to the profession. The tendency in official quarters would be, no doubt, to assume that the alteration had been made under the prerogative of the Crown; but he contended that the prerogative of the Crown could only be exercised for the benefit of the people. That had been the acknowledged policy of the country for many years. For instance, take the recent Treaty respecting Luxemburg—though the noble Lord now at the head of the Foreign Office possessed in a larger measure than any of his predecessors the confidence of the country, he was called on to explain the course he intended to take in the recent Conference, and he would not have been justified in committing England to such a treaty without the approval of the House, and without apprising it of the policy that was being pursued. The House ought to have had before them the intentions of the Government and of the Commander-in-Chief with regard to the supplementary part of this Army legislation, and they should have the Articles of War on the table of this House, in order that they might know what was enacted. The Crown, without the authority of Parliament, had no power to frame the Articles of War, and if they were framed without that power it would be a piece of despotism which this House would be the very first to repudiate. He would not, however, press the Resolution of which he had given notice, and would merely express a hope that Her Majesty's Government would promise to take the matter into consideration.

MR. MOWBRAY said, his hon. Friend had very properly acquitted the Members of the present Administration connected

with the War Department of the particular change of which he complained, and which, although it in some measure affected the liberties, yet it in no degree affected the penalties which might be inflicted upon officers and soldiers. His hon. Friend had omitted to notice the 77th Article of War, in which provision was made that if any officer in command did not bring an officer or soldier under arrest to trial within a reasonable time, he was liable to be cashiered. The hon. Member's complaint was that the House was not made acquainted with the supplemental legislation which might defeat the Mutiny Act, and which, therefore, ought to be known, but that supplemental legislation was authorized by the Mutiny Act itself. The Articles of War were made in pursuance of the Mutiny Act:—under the 1st section, which authorized Her Majesty to frame those Articles. Indeed, there was a provision to restrict the prerogative of the Crown, there being an express provision that this supplementary legislation should only be legal so far as it was in accordance with the provisions of the Mutiny Act. The House was always acquainted, as soon as it could be, with what was done. If the course recommended by his hon. Friend had been adopted this year, there would have been an Article of War framed in pursuance of the Mutiny Act of last year, and that would have been laid on the table for a certain number of days, and then a revised Article of War, in accordance with the Motion of the hon. Member for Chatham (Mr. Otway), would have been framed in the very terms of the clause which this House sanctioned. The truth was that the Articles of War, being under the authority and framed in pursuance of the Mutiny Act, were framed subsequently to that Act. As soon as the Mutiny Bill received the Royal Assent it was laid on the table of the House, and the Articles of War and the Act were bound up together and formed one volume. The prerogative of the Crown was exercised by a Minister responsible to the House, and nothing could be done save what was in accordance with the law.

ARMY—EXCLUSION OF IRISHMEN FROM THE FOOT GUARDS.

OBSERVATIONS.

MR. HERBERT, in rising to call the attention of the House to certain of the recruiting orders of Her Majesty's regiments of Foot Guards, and to move a

Mr. Mowbray

Resolution on the subject, said, the subject was noticed by him a short time ago on the occasion of the introduction of the Oaths Bill of the hon. Member for Clare (Sir Colman O'Loughlen). He then stated that, as a general rule, Irishmen and Roman Catholics were not admitted as recruits into the Brigade of Guards, and that it was only as a matter of favour that exceptions to this rule were allowed. At that time he was able to refer positively to an order of only one of the regiments. Since then the recruiting orders of the three regiments in force January 1, 1867, had at his request been laid on the table of the House, and he found that the accuracy of his statements was borne out quite as fully and plainly as he anticipated, and it was no longer possible for anyone to say that he had made an assertion for which he had insufficient authority. In the recruiting orders of the Scots Fusileer Guards, page 8, it was directed—

“Natives of England and Scotland only to be enlisted, unless special permission is given to the contrary.”

In the orders of the Coldstream Guards, page 4, it was set forth—

“Owing to the impossibility of your obtaining the requisite information respecting age and character, natives of England and Scotland only are to be enlisted.”

Why it should be impossible to ascertain an Irishman's age and character he was at a loss to know. The order of the Grenadier Guards, page 5, was—

“Natives of England and Scotland only to be enlisted. Should a man offer himself to be enlisted who is a Roman Catholic, the sergeant will ask the permission of the regimental Adjutant before he enlists him.”

He admitted that the strictness of these orders had been in certain exceptional instances relaxed, and the result only tended to strengthen the case of those who asked for their total abolition. The few Irishmen who were admitted into his late regiment, the Coldstream Guards, were, as a rule, well conducted, some of them had attained high posts as non-commissioned officers, and the universal testimony was that no taint of disloyalty had ever manifested itself in the Irish soldiers of the brigade. The Coldstream Guards went over during the first disturbances in Ireland, and only one or two cases occurred in which any attempt was made to tamper with the Irishmen in the regiment, and then, without exception, the men had delivered over to the civil power

those who were rash enough to try the strength of their fidelity to the Crown. In the Crimean war, when men to fight were wanted, an anxiety even was shown to enlist Irishmen for the Guards, and the Irish recruits did themselves no discredit in that campaign. When peace came the old rule of exclusion came into operation again, as if to show that Irishmen might have the fighting, but not the privileges. The rough work of the service might be their portion; faithful before the enemy, they were not to be trusted at home. But some one might say—"Have not the recent disturbances in Ireland shown the wisdom of this policy, and that Irishmen are not loyal enough to serve in these regiments?" One fact was a sufficient answer. What corps was it that proved itself most effective in that emergency, and by its loyalty restored public confidence and earned the thanks of all? It was the Irish constabulary; a force recruited entirely in Ireland, and composed chiefly of Irish Catholics. The secret of their fidelity was that they felt that confidence was placed in them; they were true, because they were not suspected of being false; for, in Ireland, to manifest distrust was the surest way to promote disaffection. He did not want to interfere with the prerogative of the commanding officers of the Guards, who might, without assigning any cause, accept or reject whom they pleased; but a man's nationality should not be a bar to his entrance into the favoured regiments, and the issuing an order for the exclusion of Irishmen from these regiments was naturally regarded as a slur upon the whole Irish nation. Such an order, printed and put into the hands of every recruiting sergeant, could hardly be called private. Its existence was no secret. More than once when in Ireland he had suggested to men that they should enlist in the Brigade, but he had been met with this answer, "They won't take Irishmen if they can help it." It was no wonder that men were offended at the refusal, and formed too low an opinion of English generosity. There was no Irish regiment of Guards, but he wished there were. It might be many years before it could attain the high prestige and historic associations of the older corps. It might—he hoped it would—have to wait long for opportunities which Vimiera, Badajoz, Salamanca, and a hundred battles more gave to Irishmen to show how bravely they could fight, but

when the time did come it would not fail. Ireland was taxed equally with England and Scotland for the support of the army, and its recruits should have an equal right to enter even the more honourable parts of Her Majesty's service. It was, perhaps, a little thing that they should be excluded; but it was one of those many little things the removal of which would foster a better feeling and tend to unite the two countries in a firmer bond. He begged therefore to move that in the opinion of this House no order should exist which has for its object the exclusion of Irishmen from Her Majesty's Regiments of Foot Guards.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no order should exist which has for its object the exclusion of Irishmen from Her Majesty's Regiments of Foot Guards,"—(*Mr. Herbert*),
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL FRENCH, in seconding the Motion, maintained that it was both impolitic and mischievous to draw invidious distinctions between men coming from different parts of the United Kingdom; and said, that the adoption of the rule in this case was a very bad return for the services rendered by Irish troops in the British army from the days of Cressy and Agincourt downwards.

SIR CHARLES RUSSELL wished briefly to state for the information of the House the system of recruiting for the brigade of Foot Guards. The Grenadier Guards was an English regiment, and had from time immemorial been recruited from England, with a few exceptions, when they were recruited from Scotland. The Coldstream Guards, also an English regiment, were almost exclusively recruited from England, but occasionally from Scotland. The Scots Fusiliers were, of course, a Scotch regiment chiefly recruited from Scotland; but on certain occasions, when sufficient men could not be obtained in that country, the recruiting had been supplemented in England. Under that system each of those regiments had established a local connection—that local connection of the very description which had been so much approved by the Recruiting Commission. The result was

that not only were men induced to enlist, because their friends and relatives were in these regiments, but the officers in charge of the recruiting were enabled in a great measure to ascertain the character and antecedents of the men offering themselves for enlistment. Now, the order to which his hon. and gallant Friend the Member for Kerry (Mr. Herbert) took exception remain in the enlistment books because the class of Irishmen who offered themselves as recruits in England or Scotland were naturally travelling Irishmen, about whom, speaking generally, little information could be gained. But so little exclusive was the rule to which his hon. and gallant Friend objected that every recruiting sergeant received this instruction—that if any likely-looking Irishman offered he was to make the fact known to the officer in charge of the recruiting, giving a description of the man and stating what he alleged of himself, that the officer in London might make the necessary inquiries for the purpose of deciding whether the recruit should be accepted. How did that system work? He had a Return of the Irishmen serving in the Brigade of Guards. They were 116 in number. In the battalion to which his hon. and gallant Friend so recently belonged there were sixteen Irishmen, and among them were the sergeant-major, the senior drill-sergeant, and, he believed, the pay-sergeant of his hon. and gallant Friend's own company. It might be said that that was a very good reason for at once filling the ranks with Irishmen; but he maintained that it was the very manner in which they had been selected which enabled those Irishmen to rise after they entered the Brigade of Guards, when it could not be denied that they had every justice done them. The patronage rested entirely with the colonels of battalions, who did not select a man if he was unfit, and the fact of his being an Irishman was not allowed to stand in the way of a good soldier's promotion. With reference to the praises which had been bestowed by the last speaker on the conduct of Irishmen, he was bound to say they had been too lavish; for he must admit that the conduct of a few Irishmen in the Guards had recently been open to reprehension. When the first battalion of the Coldstream Guards was a short time since sent over to Dublin in consequence of the Fenian difficulty, it contained three Irishmen, and two of those were reported by the

detectives soon after their arrival to be regular attendants at Fenian meetings. It was in consequence thought desirable, with a view to prevent disgrace being brought upon the regiment, that the two men should be sent back to London to rejoin the remainder of the force under observation. But, apart altogether from collateral matters, he saw no occasion for the Motion before the House; our Brigade of Guards was now above its strength—so that it could not be said the change was needed in order to gain men; the regiments in question were second to none in the world, and those who were responsible for the maintenance of discipline within them should be permitted to continue a system of recruiting which had proved to be simple, economical, and eminently successful.

SIR PATRICK O'BRIEN asked, if he was to understand the last speaker to infer that an Irishman should be presumed to be of bad character unless he was proved to be the reverse? [Sir CHARLES RUSSELL dissented.] There was no doubt that the object of the order of the Horse Guards under discussion was intended to keep out Roman Catholics rather than Irishmen; and he asked whether it was right to continue such an order in force, seeing that it was a slight to a whole country, and created an ill-feeling unnecessary for any military purpose.

GENERAL DUNNE said, the hon. Baronet was in error in describing the order as an order of the Horse Guards; it was but a regimental order. And as for the question at issue, he should leave it to the officers of the Guards to decide whether it was judicious upon their part to issue such an order; but if Irishmen were excluded from the Guards in time of peace, it would be unreasonable to expect that they should accept invitations to enter the brigade during the time of war—such as that which had been addressed to them during the war in the Crimea. He would remind the House that the Horse Guards were not averse to receiving Irishmen; special missions had even been sent to Ireland to recruit for them. He, however, had always recommended men to enlist in regiments of their own nationality, and he did not think it was likely that an Irishman would chose to enlist in any regiment which was not recognised as the peculiar pride of his countrymen.

COLONEL NORTH said, that if the order in question had specified that no Irishman

was to be enlisted it would have been an insulting order; but it did nothing of the sort. The last regiment in which he had the honour to serve—the Royal Irish Fusiliers—was almost exclusively Irish, in the same manner that two of the regiments referred to were almost exclusively English, and the third almost exclusively Scotch. It was the pride of the regiment to be Irish, and he could say of it that it was as distinguished a corps as there was in any army in the world. The fact was that it was a common practice to recruit regiments in particular localities, and that system naturally afforded facilities for ascertaining the character of the men offering themselves for service. The Guards had no recruiting party in Ireland, and it would therefore be difficult for them to select the proper kind of men from that country. Nothing could, he was sure, be further from the thoughts of those who had framed the order referred to than to throw a slight upon those whose countrymen had ever shown the greatest desire to uphold the honour of England on many a glorious battle-field.

MR. BAGWELL supported the Amendment on the ground that it was advisable to do away with all distinction between Irishmen and Englishmen. It appeared that the regiments referred to had already some Irish in them, so that they could not be regarded as exclusively English, and it was absurd to keep in existence an order which was not strictly adhered to. If exclusiveness were to be the rule, however, why should we not have a regiment of Irish Guards as well as of Scotch and English. He believed that such a step would be extremely popular.

COLONEL PERCY HERBERT said, that there were regiments which were entirely enlisted in Scotland, and regiments entirely enlisted in Ireland. Of the latter were the 86th, 87th, and 88th. It therefore ought not to be considered any affront to Ireland if the three regiments of the Guards were exclusively English and Scotch, though, in point of fact, those regiments were not so very exclusive, as they appeared to have received a certain number of Irishmen. On the other hand, there was no regiment of the line exclusively enlisted in England. When, therefore, the exclusive character of the Guards was complained of, Englishmen might, in like manner, say that it was an insult to them that they were not allowed to enlist in

the 87th (Irish) Regiment. With regard to the suggestion to add another regiment to the Brigade of the Guards, he could only say that he would be glad to see any addition to the army which the House would sanction.

LORD JOHN BROWNE observed, that the question was whether Irishmen were to be excluded from serving in the privileged Guards, who enjoyed superior rank and pay, who were never sent to unhealthy climates, and who had better barrack accommodation than other regiments.

MR. MONSELL trusted that the Secretary of State for War would express the opinion of the Government on this subject, as it was one with regard to which Irish Members felt a great interest. They did not complain that a great portion of the recruiting for the regiments of the Guards went on in Scotland and England; but what they complained of as a great injustice was the existence of regimental orders distinctly excluding Irishmen from those regiments.

LORD ELCHO hoped that the right hon. Gentleman the Secretary for War would not express an opinion in favour of maintaining those orders. All that was required was that the orders should be struck out of the regimental books, and that it should be left to the discretion of the recruiting officers to enlist what men they thought proper. That was a reasonable request; and if it were not granted it was only fair that, as there were English and Scotch regiments of the Guards, there should also be an Irish regiment of the Guards. Speaking as a Scotchman, he confessed that if regulations were in existence excluding his own particular countrymen from serving in the Household Brigade, he should feel it as a reproach. It was not to be forgotten that the Guards formed a *corps d'élite*, and it was therefore not to be wondered at if Irishmen sought admission to their ranks.

SIR JOHN PAKINGTON said, the House was no doubt aware that the system of recruiting for the Guards was upon an entirely different footing from that of the other regiments of the British army. An hon. Member had referred to the question of the interference of the authorities at the Horse Guards in this matter; but the fact was that neither the Horse Guards nor the War Office had anything to do with it. Recruiting for the Foot Guards was entirely regulated by the

officers commanding the regiments. On the whole, after listening to what had been said during the debate, he confessed it did not appear to him that Irishmen alone had any peculiar cause for complaint. It had been pointed out by the hon. and gallant Member for Berkshire (Sir C. Russell) that the Grenadier Guards were chiefly recruited in England, and the Scotch Fusilier Guards in Scotland, and the hon. and gallant Member for Oxfordshire (Colonel North) had alluded to his own service in a regiment which consisted almost exclusively of Irishmen, and in which the admission of any man who was not a native of that country was regarded with considerable jealousy. ["No!"] He hoped, however, it would not go forth as the opinion of the House or the feeling of the Government that anything like ingratitude existed in regard to the services of the Irish soldiers. On the contrary, every man of right feeling was ready to do justice to their gallantry; indeed, it was impossible to deny that the future of England, in the various wars in which she had been engaged, would probably have suffered materially had it not been for the valour of the Irish portions of the army. After what had passed he felt some doubt whether there really was a rule excluding Irishmen from the Guards. He was not aware that any such regulation existed. No doubt, preference was given to English and Scotch recruits. He wished, however, to call the attention of the House to two peculiarities in the system of recruiting for the Guards. One was, that no man was admitted to their ranks, no matter to what country he belonged, unless he received a good character; and the other was, that the recruiting was carried on chiefly in country districts and not in London, in consequence of which the proportion of Irish soldiers necessarily could not be large. It was quite clear that both Irish soldiers and Roman Catholics were admitted. In fact, a Return had been presented to the House showing the proportions of Roman Catholic soldiers in the regiments of the Guards. He believed that a considerable number of Irishmen were now serving in those regiments. He trusted that the course which the debate had taken would be satisfactory to the hon. Member for Kerry (Mr. Herbert). For his own part, he was quite averse to anything like an exclusive rule of the nature referred to; and if the hon. Member would withdraw his Motion, he would make it his duty (although the

matter was not one coming under the control of the Secretary of State for War) to communicate with the officers of the three regiments of Guards, and express his opinion that if there was in their recruiting rules anything that could be considered offensive or painful to Irishmen that rule should be rescinded.

With reference to the Question previously asked by the hon. Member for Wigtonshire (Sir Andrew Agnew), all he could say was, that the hon. Baronet had mistaken the effect of the warrant. Instead of there being any difference of opinion in the sense in which the hon. Baronet had spoken, his (Sir John Pakington's) own opinion, and that of the War Office authorities he had consulted, were that the hon. Baronet was not justified in the conclusion he had come to.

Mr. ESMONDE said, that as the right hon. Gentleman appeared to doubt the existence of the orders excluding Irishmen from the Guards, he would read the orders again to the House. In respect to the Scots Fusilier Guards, it was directed by the orders that natives of England and Scotland only were to be enlisted, unless special permission was given; and with respect to the Coldstream Guards, it was directed that, owing to the impossibility of obtaining the requisite information respecting the age and character of natives of Ireland, English and Scotch only were to be enlisted. So, with regard to the English regiment, natives of England and Scotland only were to be enlisted; and it was expressly stated that in case any Roman Catholic presented himself permission must be had from the regimental colonel before he was enlisted. The right hon. Gentleman had stated that he had no authority in this matter, and therefore it was the duty of the House itself to interfere.

COLONEL GILPIN thought his right hon. Friend the Secretary for War had said enough to satisfy the House that, although it was not his province, he would use his influence with the commanding officers of the Guards that anything obnoxious in this order—and he must say he did think it obnoxious—should be entirely removed. So far as it lay with his right hon. Friend, he had pledged himself to use his influence; and he thought the Secretary of State for War should have some influence with the commanding officers of the Guards to get this matter arranged. He therefore hoped the hon. Member would not divide.

Sir John Pakington

CAPTAIN VIVIAN was very sorry he had not heard the statement either of the right hon. Baronet the Secretary for War, or of the hon. and gallant Member for Berkshire (Sir Charles Russell). Certainly, the orders did seem to imply that England and Scotland only could find recruits worthy of serving in those distinguished corps, and therefore they had an invidious, he would not say offensive, aspect towards Ireland. He was quite aware there was great delicacy in the position of the right hon. Baronet with reference to the Commander-in-Chief—

SIR JOHN PAKINGTON: Not the Commander-in-Chief—the colonels of the Guards.

CAPTAIN VIVIAN said, whether it rested with the Commander-in-Chief, or with the commanding officers of the regiments of Guards, he hoped the right hon. Baronet would not find it impossible to remove from these orders this sort of stigma upon Ireland, which, looking to the antecedents and services of the Irish regiments and soldiers, he must say was wholly undeserved.

SIR JOHN PAKINGTON begged to inform the hon. and gallant Member that he had already in his absence given the House an assurance that he would do so.

MR. COGAN said, that if the matter rested with the Secretary of State for War, the House might rest contented with the assurance he had given; but the right hon. Baronet had stated that the question did not come within his province. It was therefore essentially within the province of the House, and could be dealt with by the House, because they voted the money by which the Guards were maintained, and they ought to see that no invidious distinctions as to admission to the ranks of these privileged regiments should be kept up.

SIR GEORGE BOWYER hoped the hon. Member for Kerry would not divide. The Secretary of State had said all he could be expected to say, and every one who knew his character and his antecedents in that House would place the most implicit confidence in the assurance he had given.

GENERAL PEEL said, he was convinced that, notwithstanding the delicacy of his position, his right hon. Friend would have no difficulty in communicating what appeared to be the feeling of the House to the officers commanding the regiments of Guards. He could assure hon. Gentlemen

opposite that nothing in these orders was intended to be offensive to Ireland; but there was a difficulty in obtaining the character of Irishmen casually recruited, because of the distance of their homes from the recruiting stations. He hoped the hon. Gentleman would not divide. The Report of the Recruiting Commission, which had just been laid on the table, recommended that no alteration should take place in the recruiting of the Guards. He hoped, however, that anything which was considered disrespectful to Ireland would be immediately withdrawn.

MR. HERBERT said, he would withdraw his Motion.

Amendment, by leave, *withdrawn*.

ARMY—EUROPEAN GARRISONS IN CEYLON, &c.—RESOLUTION.

MR. OLIPHANT, who had given notice to ask Questions with reference to the European Garrisons in Ceylon, the Straits Settlements, China, and Japan; and to make a Motion thereon, said, he had on a former occasion asked the Secretary for War, whether it was the intention of the Government to erect barracks for the troops at Point de Galle, when he received the reply that it was. Now, he thought it would not be difficult to show to anyone practically acquainted with the locality that that was a project which ought not to be entertained. The great *desiderata* in posting troops under such circumstances were their health and discipline; and these objects were to be gained by placing them in the healthiest parts of the country, and keeping them in as large bodies as possible—for distributing troops in small detachments over a country was most detrimental to their discipline. The system generally pursued in the East was exactly the opposite; it was to pick out the most unhealthy localities and distribute the troops in small detachments over those localities. This was notably so in Ceylon and the Straits Settlements. It was said to be the intention of the authorities to erect barracks at Point de Galle. In his opinion it was in the highest degree inexpedient to build barracks at Galle, as it was the most unhealthy station for troops in Ceylon. This could be proved by the health Returns, which showed a greater percentage of sick in hospital, and a higher death-rate than either in Colombo or Kandy. In the hill station of Newere Ellia, now used as a sanatorium for troops, there was

a climate which long experience had proved to be as healthy as could be found in England. Newere Ellia would be soon easily accessible by a railway now in the course of construction. He held that it would be much better on every account to build the barracks there than at the place proposed by the Government. The hill station, where he had lived for many years, was very healthy; it was approached by good roads, and was within 100 miles of the sea. There was no strategical reason why the troops should be kept in the plain. He hoped to receive an assurance from the right hon. Gentleman that the proposed new barracks at Galle would not be built, and that the troops would be located at the healthy hill station. At any rate, he trusted that the right hon. Gentleman would assent to his proposition that the barracks at Galle should not be built until after the Report of the Select Committee upon the distribution of troops in India and the Colonies should have been received. He also hoped the Government would take the same course in regard to the new huts at Hong Kong, which he understood were about to be built at an expense of £20,000 upon a site the soil of which emitted a pestilential vapour. He also wished to be informed how long the 1,000 British troops in Japan were to remain there. These troops were quartered in barracks which had been built in the neighbourhood of Yokohama by the Japanese Government, who might expect that they were entitled to the services of these troops in quelling internal disturbances. We had no right whatever in the country, and he thought it undesirable that we should be mixed up in their internal affairs or be expected to assist the Government of the Shogoon because he had placed us under obligations to him. Again, our keeping troops in that country was an invitation to other Powers to set up military establishments in the island. It was therefore desirable that the right hon. Gentleman should give the House an assurance that our military force in Japan would soon be withdrawn. He trusted that the explanation of the right hon. Gentleman would be satisfactory; but in case of the assurances he asked for not being given, he should feel it to be his duty to divide the House upon the Motion of which he had given notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

Mr. Oliphant

"in the opinion of this House, it is desirable to postpone the construction of barracks in Ceylon, the Straits Settlements, China, and Japan, until after the Report of the Select Committee upon the distribution of troops in India and the Colonies shall have been received,"—(*Mr. Oliphant*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN PAKINGTON said, he had not the least hesitation in giving the assurance asked for by the hon. Member; for it would be absolutely impossible for any arrangement to be concluded with reference to the construction of barracks at Point de Galle within a much longer period than would be required for the production of the Report of the Committee. With respect to the situation of any barracks which might hereafter be constructed at that place the Government had come to no decision whatever as to the locality, as that was a point upon which the Government could not presume to have an opinion to be compared with that of the hon. Gentleman opposite, who had had such a long local experience. Negotiations were going on between the Colonial Office and the authorities in Ceylon. The barracks were to be constructed at the expense of the colony, and he could not suppose that the authorities would place the barracks on a low and unhealthy soil if they could obtain a high and healthy one, if such a one were procurable. With respect to Japan, he had no hesitation in saying, on the part of the Government, that there was no intention of making any permanent military occupation there. It was, however, intended to keep a regiment, or wing of a regiment, at Hong Kong. The expenses of these matters were, however, included in the Estimates, and could be more conveniently discussed when the items came before the House.

SIR HARRY VERNEY thought the question of the locality of barracks for British troops was too important to be left to the decision of colonists.

Amendment, by leave, *withdrawn*.

ARMY—TRANSPORT AND SUPPLY DEPARTMENTS.—OBSERVATIONS.

MAJOR JERVIS, in rising to call attention to the Report of the Committee appointed to inquire into the Administration

of the Transport and Supply Departments of the Army, expressed his surprise and regret, after the appeal which had been made by the Secretary of State for War to the right hon. Member for Invernesshire to postpone his Motion for a Committee of Inquiry on the War Department until the Report had been placed on the table, at not finding anything in the Report beyond a mere repetition of what had been inquired into year after year. The Committee had no sooner got into the inquiry than they found the War Department so disorganized and so unfitted to carry on the details which it had to deal with that they asked the Secretary of State to give them leave to inquire into the whole system of the War Office. It was at once found that the duties of the head officials so jarred that no head of a Department knew exactly what was expected of him, and the confusion extended down through all the subordinates. The Committee, therefore, soon made up their minds that the entire of the store and material of the service should be brought under one head. Then came the question how that head was to be represented whenever there was a General in the field or in garrison. They recommended that the several departments of commissariat, stores (excepting munitions of war), purveying, and Treasury accounts, &c., should be placed under one chief—the Chief Controller. Now, it might have struck any ordinary mind that up to this time the Chief Controller was the permanent Under Secretary for War. It appeared, however, that the various heads of Departments looked to the Secretary of State for War; and it was impossible that any one man in that position could master all the details. The question which the House had to consider was whether the proposition made by Lord Strathnairn's Committee would carry out what they wished. As far as the War Office was concerned, there could be no doubt that a Chief Controller, having charge of five departments, would relieve the Secretary for War of a great deal of daily work; but they had to consider how far such a system would lighten the Secretary's work as regarded that House. He would still be responsible to the House of Commons for all the expenditure in all the departments. As to the position of the Controller with regard to a General in the field or in garrison, Lord De Grey, in a letter which he addressed to the Treasury in 1864, proposed to make the Controller

adviser to the General, the former to be responsible to the War Office, and not to the General. That appeared to have alarmed the Committee; for in every paragraph which they had written on the subject he found the statement that the Controller should always be under the orders of the General Officer. He must say that the Report was one which it was difficult to understand—it was not written with the clearness desirable in a Report of such importance. But he should have thought it was hardly necessary for the Committee to dwell on the point that the Controller should be subordinate to the General Officer. It was all very well to talk of a General Officer being responsible only for strategic movements; but would any General Officer who was worth anything allow any one in his army to move a little finger without his instructions or authority. Either in the field or in garrison the General Officer ought to be responsible for everything, and unless you made him so he would not be worth anything. A very important point was whether all the stores in the field ought to be amalgamated under one chief, or whether there ought to be a division. The Committee seemed to wish to make a distinction between ordinary stores and actual munition of war. He (Major Jervis) was of opinion that they might be blended, for while all the artillery stores in the field should be under the charge of the Ordnance Commissariat, it was essential that all stores having to be conveyed to a distance must be placed under the management of a Controller. On board a ship you could not have two systems of management. The person who shipped all the stores must be responsible for them all. This question of a Control Department was raised by Mr. Godley, of the War Office, in 1855, and Commissary General Fonblanque had written most ably on it some ten years ago. Yet during the last ten years there had been various Committees differently constituted, and yet things remained in confusion to the present time. He would instance the office of Director of the Ordnance. It had always been understood that he was responsible to the Secretary of State for all the Ordnance Department; but what was really the fact? We had large manufacturing departments in connection with that Department. Each of these had heads whose instructions were that they should consult the Director General on all questions which required a higher authority, but that they were to be

responsible themselves to the Secretary of State for the manufactures in their department, the management of which was to be left entirely in their hands; so that we put an officer in a position of important trust, and then told him that he was not to interfere with anything. Lord Strathnairn recommended in his Report that there should be two officers of high position, one of whom should discharge the duties which now devolved on the Director of the Ordnance, in addition to the charge of the Ordnance Commissariat, while the other should be head of the Control Department. It would be very satisfactory to him if the right hon. Baronet the Secretary for War would state to the House whether it was his intention to carry out that recommendation—because it was impossible for the right hon. Baronet to superintend all these details himself. Indeed, he believed that the public had not the slightest idea of the multifarious duties which the Secretary for War had to perform. Some Secretaries, indeed, had broken down under them. No man in the public service was more zealous, for instance, than the late Lord Herbert, but he killed himself by overwork; and with regard to Sir George Lewis, if the amount of work did not actually kill him, he died from weakness occasioned by his excessive application and attention to the duties of his office. It had killed Sir Benjamin Hawes; it had killed Mr. Godley. He might also mention that the late Director of Ordnance had to rise at half past four in the morning to get through his papers and had to work until midnight. He understood the present permanent Under Secretary of State had to do the same. Now, that was an amount of work which no man in this country ought to be obliged to undergo. This Report of Lord Strathnairn only touched a small portion of the War Office work—namely, the stores, the purveyors in chief, the commissariat, and the barrack department. But, in addition to that, there was all the work connected with the army—the clothing, equipment, hospitals, the fortification branches, Chelsea Hospital, pensions, and many other matters. What he desired, therefore, to point out was that it was not simply necessary to re-organize the War Office, as far as the Office itself was concerned, but also that a revision of the War Office was required as regarded that House, which naturally expected that every item in the Army Estimates should have been carefully scru-

tinized by some Member of the House responsible for the detail, and such a scrutiny could not be conducted by one person. Before the amalgamation of these departments they had about seven representatives in Parliaments who could go into all the details; but now the departments were united under one authority, who, if he could toil forty-eight hours instead of twenty-four in the course of the day, could not get through all the work. This Report merely simplified the working of the War Office by uniting five of the sections under one head, but it in no way lightened the duties of the representative of the War Department in that House. He thought the House should, before going into Committee of Supply, clearly understand what was the present position of affairs with regard not only to the re-organization of the various proposed sections under one head, but also what was the relative position of the Department with that House.

GENERAL DUNNE said, he thought that the House must cordially concur in many of the remarks of his hon. and gallant Friend. It was quite impossible that one person could manage the unwieldy business of the War Department. The present War Office was a compound of what was formerly the War Office and the old Ordnance Department. Now, although it used to be generally imagined that the old War Office was by far the most important of the two, such was not in reality the case, because the whole finance of the Army was under the control of the Ordnance Department; and he could assert from his own experience—having for a short time been connected with the latter—that the business of that Department used to be conducted in the simplest, the easiest, and the most efficient manner. He hoped a return would be made to a similar system. In treating of the re-organization of the Army, two things were likely to be confounded together—the organization in the field, and the organization in the Department at home. In the field, of course, everything ought to be under the control of the General in command. He thought such matters as the lodgment in tents and huts, the purveyor's, the commissariat, and the cash departments, ought to be under the control of an officer of high rank, attached to the head-quarters of the army, and always with the General Officer. That he believed was the system in vogue in the French army, and he could not conceive

why it should not be carried out in every other. As to the manner of carrying out the arrangements, he might point out that there were in the Ordnance Office papers on the subject drawn up during the Peninsular War—reports from the Duke of Wellington and other officers of great eminence—which contained hints which might be found very useful under present circumstances. A Committee of that House was about the worst tribunal, except a Royal Commission, to carry out the object which the hon. Member for Inverness (Mr. H. Baillie) had in view. It should be remembered that the present arrangements were hastily matured to meet an emergency; and there was no reason why there should not be a return to the system under which, through the exertions of Lord Hardinge, large additions of guns and materials were made for the Crimean war. He could see no reason why the Audit Department should not be swept away—he would put it at Somerset House. It was most undesirable that any department should audit its own accounts. In the manufacturing department, what need was there for the great mass of offices at head-quarters, and why need there be Inspectors of Contracts there? He hoped that in the course of a short time the right hon. Baronet would effect a re-organization, and thereby benefit the country both in efficiency and economy. There was no nation on earth that got so little for the money it spent.

CAPTAIN VIVIAN said, the House was under obligation to the hon. Member (Major Jervis) who had opened the discussion, but the subject was too large for debate at that time. He had once introduced it in moving for a Committee on the Organization of the Army; and the Report of the Committee, of which Lord Herbert and Sir James Graham were Members, had effected some beneficial reforms in the administration of the War Department. No Department had been so unfortunate, for it was re-organized at a time of great difficulty, when we were carrying on a great war, when our military resources were taxed to the utmost, and when our existing administration had completely broke down. Since its formation it had had difficulties to contend with which no other Department of the State ever had, and it was not now so much a matter of surprise to find it in a state of confusion, perhaps greater than those who had not gone into the details had any idea of. If the War Office were

put into a proper system, there would be no difficulty in its administration: and he looked with confidence to the great administrative ability of the right hon. Gentleman the present Secretary of State for War to correct the confusion that now existed. He looked also to the Report of Lord Strathnairn's Committee as one step towards a colossal reform of the Administrative Departments. There were five Departments that were to be consolidated and put under a Controller, who would look to their proper administration, and with whom alone the Secretary of State for War would have occasion to communicate. This recommendation to some extent followed the French system; but that was not always perfect. General Trochu, in his recently published work, complained that owing to bad administration the French troops suffered privations in the plains of Lombardy; and he said that while he wept over the misfortunes of the English army in the first year of the Crimean war, which were to be attributed mainly to our ignorance of active service, he found that experience improved our system until it became superior to that of the French, who suffered more than our soldiers did in the second and third years of the war. Although the Report of Lord Strathnairn's Committee fell short of what was required, it would lead to the introduction of much needed reforms, and would not only improve the army, but go far to produce order where disorder prevailed. He would not then enter into the general question of the re-organization of the army; but he hoped the Secretary for War would apply his attention to that subject. He hoped that before long the right hon. Gentleman would be able to improve upon the Report, and that he would be able to devise a scheme by which the evils now existing might be swept away.

SIR CHARLES RUSSELL said, that while highly approving of the Report to which reference had been made, there were some details of it in which he could not concur. The radical difficulty to be encountered was the complication which existed at the War Department. That was so great that if we went to war to-morrow we should find things as bad as they were when we went to the Crimea—if not indeed worse. A book of *Regulations for the Supply of an Army in the Field*, issued by authority as a manual for the guidance of officers, stated that an English *corps d'armée* would have 16,010 combatants,

and the transport required for them was 10,371 animals, and 5,390 officers and men of transport corps. A Prussian *corps d'armée* consisted of 36,317 combatants, and its transport was 4,278 horses, and 3,201 officers and men. In plain English the Prussians had less than half the transport for more than double the number of combatants. Such a statement in a handbook showed the necessity of some reform at head-quarters. The Report which had been presented proposed to give all control to one chief officer, to be denominated the Controller, and to divide the transport department into two—one for ordnance stores, and the second for all other articles—stores, clothing, medicine, and what the French called *munitions de bouche*. The Report, again, recommended the separation of naval from military stores; suggesting that the navy should supply itself from its own arsenals, without taxing the military arsenals. The practice of charging all the maritime transport connected with the army in the Navy Estimates had long appeared to him the most extraordinary jumble of accounts—the expenditure really belonged entirely to the army. But a more extraordinary thing, still, was the system of audit, under which an official paid money with his right hand and audited it with his left. Not a single voucher was examined or checked; and anybody who knew anything of accounts or public companies must know that this was no audit at all. A good practical illustration of the working of the system fell under his own notice some years ago. Extensive barracks were ordered to be painted, four years earlier, as it was reported to him, than the average period when such works were necessary. After the usual difficulty in discovering the proper official from whom to make inquiries, he ascertained that the order had been given because a Vote of money having been taken for the purpose, it would complicate the accounts to pay it back again. Had there been any officer to control the expenditure he would cheerfully have received back the money, and applied it to some other purpose. The proposal now before the country was a step in the right direction, and the right hon. Baronet, he trusted, would be able to afford some hopes that it would be carried into effect.

COLONEL PERCY HERBERT said, his hon. and gallant Friend (Sir Charles Russell) might have accurately stated the nature of the transport of arrangements

Sir Charles Russell

for a Prussian *corps d'armée*, but those could hardly be sufficient where operations were carried on at a considerable distance from their base. If, for instance, a ship were loaded with stores for some distant service, the stores should be put on board under the charge of one person, and received at their destination. The right hon. Baronet the Secretary of State for War, he trusted, would carefully consider before accepting the recommendations of the Committee that Ordnance stores should be separated from the other stores. There had been trouble enough about these things during the Crimean War, and unity of control in the matter of stores he looked upon as absolutely essential. It was likewise indispensable that Transport Corps and all military bodies should be treated like other soldiers, and placed under the same military control. It was not likely that command would ever devolve upon an officer belonging to the Transport Corps; but a rule could hardly be laid down that if a senior officer of that service were staying where there was only a subaltern of infantry or cavalry, he should not do the duty. As to the Controller not being under the order of the Commander-in-Chief, that arrangement might hold good at home when the Secretary of State for War was enabled to have communication every day with the Horse Guards, if necessary; but when the army went abroad for service the officer in command represented not merely the Commander-in-Chief but also the Secretary of State for War, and, consequently, the Controller was as much under his orders as any officer in the service. An error which was very prevalent seemed to have found its way into the minds of some of the Members of the Committee by whom this Report was drawn. The Controller was not to be in communication, as it was called, with the Military Secretary, the Quartermaster, or the Adjutant General, but was to take his orders personally from the Commander-in-Chief. Every military Member in the House, however, must know that orders from the Commander-in-Chief were never given in person, and could only be received through one or other of these staff officers, who were the hands of the Commander-in-Chief. The Military Secretary had cognizance of all matters relating to finance, the Adjutant General of all matters connected with discipline, and the Quartermaster General of all matters connected with the quartering of troops. These

three officers conducted the whole of the correspondence emanating from the Commander-in-Chief's department; and it would be ridiculous and preposterous, as well as dangerous to the efficiency of the service, if the Controller were to receive his orders other than through the ordinary channels just as the commander of a *corps d'armée* received them.

SIR HARRY VERNEY said, the right hon. Baronet the Secretary for War, who entered on the duties of his office with the confidence of Members on both sides of the House, had the opportunity of conferring greater benefits on the army than almost anybody else; and he trusted he would not fail to apply to the question of army reform that capacity for administration which he had shown in other Departments. It was unfortunately too true that if war were to break out suddenly in Europe, or attempts were made at invasion, we should not be prepared. A dozen years ago a French officer did come to this country, formed a plan for an attack upon England, which he communicated to foreign Governments. He described the points which could be most easily assailed, and the means of communication existing with different parts of the coast, laying particular stress on the mistake which had been made in our break of gauge upon the railways. Our army always fought well and was generally victorious, but at an enormous expenditure of life and money; and the cause, he believed, was to be attributed to the system. He trusted the right hon. Gentleman would endeavour to obtain the same efficiency at less expense. We wanted the means of immediately commencing effective operations which other nations possess. A French General had nothing to do but to fight his troops—an English General would have to see to everything in addition to what should be his sole duty. Some years ago, when riding on the Plains of Chalons with General Canrobert, he remembered asking him what he should do if a telegram came to apprise him that France was going to war with Germany. He said he should do nothing but continue the march upon which the column was engaged at that moment; everything in camp was in readiness for immediate departure; he should send for his Intendant General, telling him the places at which he required to halt on successive nights, and desire him to have everything prepared for the soldiers when they arrived. "In your country," said

General Canrobert, "you do not understand marches of that description. You have got the best soldiers in the world, but your organization is not to be compared to ours. I should have nothing to do but think how to fight the enemy. Your General would have not only to fight the enemy, but to consider how best to take care of his troops." The late Mr. Hume said that the House of Commons would always vote money for the army and navy if they were convinced that it would be well expended; but they objected to the money being spent upon the civil part of the service, instead of for the benefit of the soldiers. There were many points of our service in which, as compared with the French service, we showed a lamentable want of attention to economy. Every soldier in the French army was taught a trade, and why should not our soldiers have that which would be preferable to a pension—instruction in a trade which would contribute to their amusement and benefit while in the service, and by means of which they could earn their living when the period of service should expire. He believed that the task which the right hon. Gentleman had to perform in the reorganization of our army was one which only demanded deliberation and consultation with those who were able to advise him, and that the British army might then be made perfectly efficient without further expenditure of money.

THE MARQUESS OF HARTINGTON said, he did not think that until they had heard the answer of the Government to the observations of the hon. and gallant Gentleman the Member for Harwich they were in a position to enter upon the discussion of the Report; and under any circumstances it was impossible to suppose that this could be the final discussion of a subject so important. Hon. Members might have had time to read the Report of the Committee, but probably few among them had had time to read the whole of the Evidence and the Memoranda attached to it, both of which he thought were of extraordinary interest. The proposals of the Committee had justly been described as little short of revolutionary, and it was hardly possible that the Government could yet have come to any definite resolution respecting them. There were one or two points to which he should like to call attention. He wished, in the first place, that the right hon. Gentleman would explain a point which appeared at present to be somewhat ambi-

guous, and that was how far the Government were pledged by the right hon. Gentleman (General Peel), his predecessor in office, to an approval of the principles contained in the Report. In a letter dated September 27, 1866, Sir Edward Lugard expressed on the part of the right hon. Gentleman (General Peel) approval of the general principles recommended by the Committee in their preliminary Report. But he (the Marquess of Hartington) was unable to find from the blue book what that preliminary Report was. It was true there was a series of opinions upon points submitted to them; but these could not be the preliminary Report referred to in the letter. It was useless to criticize the Report until they knew what course the Government would take respecting it. The Committee was a very able one, and well qualified to give an opinion upon transport and supply; but it could hardly carry with it the confidence of the army or the country when it extended its labours so vastly as it had. He did not wish to show the least disrespect to Lord Strathnairn, or any of the officers composing the Committee; but it should be remembered that the Committee which prepared this preliminary Report was a purely military one, with the exception of Sir William Power, the Commissary General; and when great questions like these were to be considered, it was not possible that a Committee so composed should carry with it the full confidence either of the army or of Parliament. As to the single civilian, Sir William Power, no one had a higher opinion of his ability; but Sir William Power had for a considerable time formed very definite views upon this very subject, and had drawn up, he believed, the greater part of this very Report. In general it was a very able Report; but under the circumstances it was not wise to adopt without grave considerations the recommendations of such a Committee. He fully approved the suggestion of the Committee that the supply departments should to some extent be amalgamated and placed under some department of control—and indeed the previous Government had formed some plan of the kind. In moving the Army Estimates last year he informed the House that a proposal of a similar kind, though a much more limited one, was made to the Treasury by his predecessor at the War Office, Earl De Grey, and the correspondence upon that subject would be found in the Appendix to the Report of

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this Committee. That proposal involved nothing revolutionary, but the principle that in each military station and district the supply departments should be brought to a focus under an officer called the Controller, Intendant, or what you like. To a certain extent, therefore, he concurred in the suggestion that some change of this sort should be made. The Committee proposed to intrust to the Chief Controller duties which, in his opinion, it was impossible for one man adequately to supervise; but even if it were possible, he did not at all see the necessity of making so great a change in the organization of the departments themselves. Any one who had read the Report of the Committee with attention would see that in the supply departments of the army they had hardly left one stone upon another. The military store department was to be broken up, the surveyor's department was to be broken up, the barrack department to be entirely done away, and the duties of these departments to be divided among various persons. Now, he did not mean to say that the departments were formed at present in the best possible way; but such great and fundamental changes as were recommended by the Committee could scarcely be needed, and must produce much inconvenience for a considerable time. There was one part of the Report which did not seem quite clear—namely, where the Committee referred to the Accountant's branch. As far as he could make out, the whole of the Accountant General's branch, as well as all the supply department, was to be placed under the direction of the Chief Controller, and if that were so he had no hesitation in saying that the duties proposed to be intrusted to that officer were very much greater than he could possibly superintend. With regard to the formation of a new Ordnance Department, he quite concurred in what had been said by the hon. and gallant Member for Harwich (Major Jervis). As far as he could make out, this new Ordnance Department, to be composed, as he understood, of artillery officers and non-commissioned officers, would be entirely independent of any civil control whatever; and knowing as he did the difficulty there was of keeping the expenses of the department within bounds without civil control, he could not discover what means the Committee had recommended for preserving the control of the Secretary of State over the Department and check-

ing unnecessary expenditure. On these two points, then—namely, the arrangements of the Controller's Department and the arrangements of the Ordnance Department—further explanation was needed. And now a word as to the way in which the Committee recommended that their new system should be introduced. In that part of the Report which dealt with this point, the Committee appeared to him to begin entirely at the wrong end. They urged very strongly, if the proposals were to be adopted, that no time should be lost in the appointment of a Chief Controller. In his opinion, however, it was extremely dangerous, when the supply department had been got into proper order, to supersede the heads of the different branches by intrusting the duties to one gentleman who could not possibly be acquainted with the work. If changes were to be made it seemed to him that the plan proposed by Earl De Grey in his letter to the Treasury was the right one—that the new system should be introduced gradually, station by station, and district by district. It would be a most dangerous experiment to supersede at once, without further preparation except the appointment of a Chief Controller, the heads of the existing departments. He did not know what answer the right hon. Baronet was about to give to the hon. and gallant Member for Harwich, but he would do well if before making the changes which he was urged to make in the War Department he would refer the most valuable materials contained in the blue book to—he would not say more able men, for he did not know that more able men could be obtained—but to men whose report would carry with it more of the confidence of the House of Commons.

MR. ALDERMAN LUSK considered it was strange that the army of a country whose manufactures were never equalled, whose ships could sail against any ships in the world, and who could successfully compete at farming with any nation on the earth, should cost more, man for man, than the army of any other country, and that they should be always in trouble respecting it. He apprehended that it was owing to the fact that the men who had the management of the affairs of the army were not men of business. They had had Committee after Committee of Inquiry into its organization and management, but no men of business to conduct it. The right hon. Gentleman at present at the head of the War Department possessed good administrative ability,

and he trusted he would give his attention to putting the machinery of the army into better condition, making it at once more efficient and less expensive.

ARMY—INSPECTORS OF VOLUNTEER ARTILLERY.—QUESTION.

MR. AYTOUN said, he would beg to ask the Secretary of State for War, Why the duties of inspecting Artillery Volunteers are thrown upon the Field Officers of the Royal Artillery in addition to their own special duties, and why Assistant Inspectors of Volunteer Artillery are not specially appointed to perform the duties as in the case of Rifle Volunteers? He did not wish to give any opinion as to which of the two systems of inspection referred to in his Question was the better, but was simply desirous of ascertaining why one system was applied to one portion of the Volunteer force, and to another portion of it a system entirely different. If the objection were made to the appointment of Volunteer Artillery Inspectors that they would be more expensive than the performance of the same duties by Field Officers of Artillery the remark would be equally applicable to the system of the Rifle Volunteers.

SIR JOHN PAKINGTON said, his hon. and gallant Friend the Member for Harwich (Major Jervis) had brought this subject forward in a very clear and able manner, and of nothing that had been said on either side of the House had he the slightest right to complain:—on the contrary, he had to thank all those who had taken part in this discussion for the tone in which it had been conducted. He was glad to hear from the noble Lord opposite (the Marquess of Hartington), who had himself held the office which he now had the honour to fill, that in his judgment it would be rash if he (Sir John Pakington), having held his present office for such a short time, were at once to come down to the House and give an opinion as to the proper mode of carrying out the recommendations of this important Report. There was one Question which was asked by an hon. and gallant Friend behind him which he had no difficulty in answering at once. He asked whether this blue book was to follow the fate of so many others, whether it was to be laid upon the shelf, and that nothing was to be done with it? He had no hesitation in answering that Question distinctly and decidedly in the negative.

Considering the importance of the question with which the Report dealt, and the intricate and difficult points that it raised, it seemed to him that if there was one duty more incumbent on him than another it was to give this Report his most serious consideration, and carefully and deliberately to consider what part of it should be acted upon. But time was required for such deliberation. His hon. and gallant Friend (Major Jervis) had given a description—as far as he could see, by no means an exaggerated description—of the onerous duties of his office. At the same time, the noble Lord opposite had dwelt at great length on the important and difficult questions which the Report embraced. It would therefore, he thought, be great presumption in him, having held the office of Secretary for War for only two months, and with those incessant calls upon his time to which his hon. and gallant Friend had referred, if he were to come down to the House and state at once the course he intended to take in reference to the Committee's recommendations. If he were to do that he could only adopt one of two courses—he must either come down to the House and state as his own views the views of some other person, or else he must state views which he had so hastily and presumptuously formed, as to entitle them to no weight. Now he did not wish to lay himself open to censure on either of these grounds; and neither on this nor on any other subject would he offer any opinion except that which he might have deliberately and conscientiously formed. The noble Lord (the Marquess of Hartington) suggested the reference of this Report to a Committee. He could not yet say whether he was prepared to take that course. What he had done was to refer the Report to the consideration of the various heads of departments in the War Office. Many of them were deeply interested in the recommendations of the Report; the offices of several of them would be materially affected by it; and he thought it just and right to them that they should have an opportunity of examining it. When he was in possession of their views he would be able to consider deliberately and conscientiously how far he was able, with such advice and assistance as was at his command, to prepare a plan which he could submit to the House. When he had thus fully made up his mind on the subject it would then be time enough to consider how far it might be wise to remit the

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whole subject either to a Committee, as the noble Lord suggested, or to a Commission carefully formed. It was true, as various speakers had suggested, that there had already been several Committees on the subject. There was the Committee presided over by Sir James Graham; then there was what was called the Departmental Committee; and another Committee had sat within the last few years. Still the subject was so important that he did not know it might not be wise to have another Committee. The importance of a proper organization of the War Department could not be exaggerated. The inconvenience arising from the want of system was so great that changes were compelled to be made even while the Crimean war was raging; and the hon. and gallant General (General Dunne) behind them thought that most of these changes were bad. It was not to be denied that the changes had been made in great haste, and he thought the time had now come for a deliberate and careful consideration of the whole question. He hoped the House would consider that he had given good and substantial grounds in justification of the course he proposed to take.

With regard to the Question of the hon. Member for Kirkcaldy (Mr. Aytoun) the matter to which he referred was purely one of arrangement. He asked why there were not special Volunteer Artillery Inspectors as well as Rifle Volunteer Inspectors. His answer was that the Inspecting Officers of the Royal Artillery were quite competent to undertake the duty; they were very glad to do it, and why should the country be put to expense for doing that which these competent officers were both ready and willing to do?

THE MARQUESS OF HARTINGTON asked whether the preliminary Report to which the right hon. and gallant Member for Huntingdon (General Peel) had referred when he was at the War Office would be produced?

SIR JOHN PAKINGTON must apologise to the noble Lord for having inadvertently passed over the Question which he had put in the course of his speech. The Question was whether anything that had been intended to be done by the right hon. and gallant Member for Huntingdon when he was in office would preclude Her Majesty's present Government from perfect freedom of action in dealing with the Report? To that Question he would give the most decided answer that he was entirely

free to adopt those means that might most commend themselves to his judgment. With regard to the preliminary Report, he did not know to what it referred. He rather suspected that it referred to some Report that had not been presented. The Commissioners first agreed to a Report which was afterwards re-considered; after that they brought up the Report which was now on the table. He suspected that that re-considered Report was the Report to which the noble Marquess referred.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—ARMY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) £802,500, to complete the sum for Manufacturing Departments and Materials for Warlike Stores.

COLONEL SYKES said, there was a peculiarity about this Vote to which he wished to call the attention of the Committee. He had gone back on the Estimates for the last five years, and had found there was a systematic increase in the Manufacturing Departments. Thus in 1863-4 the Vote for the Manufacturing Departments was £956,365; the next year it was £973,031; the next £972,900; last year it was £1,105,800; and this year it was £1,162,052. This was the more remarkable as the Vote for Warlike Stores had decreased from £836,000 in 1863-4 to £393,000 this year. He should have supposed that as the Warlike Stores decreased the Manufacturing Departments would decrease also, the labour being diminished, for the materials to be worked up were diminished; instead of which there had been a regular increase.

SIR JOHN PAKINGTON thought that the term which his hon. and gallant Friend had used was an exceedingly appropriate one; but his hon. and gallant Friend would see that the "gradual and systematic increase" in the expenditure under this Vote was attributable to the "gradual and systematic increase" in the size of all our munitions of war. Nothing would prove this more clearly than the weight of the guns at present being manufactured at Woolwich Arsenal. At present guns were manufactured at Woolwich weighing twenty-three tons, whereas at the former period there was nothing known beyond guns of 95 cwt.

COLONEL SYKES remarked that the cost of the Warlike Stores out of which these guns were manufactured had actually decreased, implying a decrease in quantities, so that the excess over former years would probably be due to some other cause than the one stated by his right hon. Friend.

LORD ELCHO said, he wished to ask a question in reference to the conversion of small arms into breech-loaders. The late Secretary of State for War wisely undertook the conversion of the Enfield rifles into breech-loaders. That conversion had been most successful; the difficulties which at first threatened to render the converted arms inefficient had been overcome, and at the close of the financial year 350,000 rifles had been thus converted. As far as he had heard, the difficulties with regard to the ammunition which had led to the fear that the conversion would be a failure had been overcome, and he believed that the converted Enfield was considerably better than the arm in its original condition. He wished therefore to ask what the Government proposed to do in reference to the Volunteer Corps? Of course, the Government were, in the first place, supplying the army with the improved weapon; they would next attend to the wants of the militia; but there was a natural wish on the part of the Volunteers to be also supplied with the superior arm as soon as a sufficient number had been converted. They had expressed a wish that the Queen's prizes should be shot for with the converted rifle; and they had a strong desire to know what was the probability of their being supplied with the superior arm at an early period, say, in a few years? Personally, he thought it would be better, inasmuch as a Committee had been appointed to determine the best breech-loader for the British army, that their Report should be waited for. Still, however, knowing how much the Volunteer force owed its continuance to the spirit of competition which existed, and how necessary to that spirit it was that its members should be furnished with the best weapon, the question was one which he thought deserved every consideration.

SIR JOHN PAKINGTON said, that from no one could the remarks that had been made more properly come than from the noble Lord. The conversion of the Enfields was being rapidly proceeded with, but there was still much to do. The colonies had pressed to be supplied with the converted weapons, and their request

had been acceded to ; and India would also have to be supplied. He hoped, however, that the Government, and that at no distant period, would be able to attend to the requirements of the Volunteers.

Vote agreed to.

(2.) £263,000, to complete the sum for Military Store Establishment and Purchase of Warlike Stores.

MR. OLIPHANT, in rising to advocate the grievances of the officers in the Military Store Department, said, it was not for him to inquire into the reasons why the Treasury refused to sanction a measure which the War Office deemed essential to the well-being of the army. The officers of the Military Store Department were anxious that their claims should be fairly considered, and their position determined before their relative rank was affected by the amalgamation which had been recommended should take place ; otherwise their position in point of rank would be depreciated. It might be said that the duties of these officers were not so important as those of the Commissariats ; but, as they had charge of all the improved weapons and arms of the service, and as their duties required great training, their position ought to be at least equal to that of the Commissariat. Consequently, any invidious distinctions by which the officers of one branch were placed in an inferior position to that of another were not calculated to improve the efficiency of the service. He trusted that the right hon. Gentleman the Secretary for War would give him some assurance that the claims of these officers would be considered prior to any proposed amalgamation with any other Department. He believed that the measure proposed by the noble Marquess the late Secretary for War, but not carried out owing to the opposition of the Treasury, was quite satisfactory to these officers.

GENERAL DUNNE said, there was a difference between the two classes of officers quite evident to those acquainted with military matters. One class was military ; the other civil. He knew that the feeling of the Storekeepers was that they had been unfairly treated, and he hoped that their case would be taken into consideration.

SIR JOHN PAKINGTON said, that since he had been at the War Office the complaints of the officers of the Military Store Department had come under his notice, and he could assure the hon. Gentleman that he should be sorry to inflict

upon them any injury or hardship. It was true that the noble Lord (the Marquess of Hartington) had, shortly before he retired from office, prepared a scheme to meet the alleged grievances under which they laboured. It was, however, scarcely matured before the noble Marquess left office, and the Treasury declined to accede to the plan on the ground that the Report of Lord Strathnairn's Committee was then expected, and that it must necessarily refer to the position and claims of the Military Store officers. That Committee had made its Report. He was afraid it was impossible for him to promise to reverse the recommendation of that Committee until it was finally decided what course was to be taken thereupon. He would, however, undertake — and he thought that with this promise the hon. Gentleman ought to be content—that these officers should not be placed in a worse position on account of the delay.

MR. OLIPHANT said, he doubted whether these officers could be in a worse position than they were at present, so that the promise of the right hon. Gentleman was not likely to carry much consolation to them. What those gentlemen wanted was some assurance that they would not be amalgamated in such a way as they had been by that scheme. They required to be put relatively in the same rank as the officers of the Commissariat.

SIR JOHN PAKINGTON said, the hon. Member stated that these gentlemen could not be put in a worse position than they now were, and yet that they would be put in a worse position in consequence of the Report of Lord Strathnairn's Committee. It was not very easy to reconcile those two assertions. However, he could not undertake then to predetermine what course might be adopted in consequence of that Report ; but the position, or the grievances, of these officers would be fairly considered before they were amalgamated.

MR. ALDERMAN LUSK, in reference to the item of £10,194 for Wages of Masters and Crews of Store Vessels, inquired what sort of vessels they were and where situated ?

SIR JOHN PAKINGTON explained that they were employed in carrying stores along the coast.

MR. P. WYKEHAM MARTIN said, that he could assure the hon. Member, from his own experience—as he lived in the neighbourhood of Chatham—that those vessels were very usefully employed, and

Sir John Pakington

that their crews well deserved the wages they were paid.

LORD ELCHO said, there was an item in this Vote for the manufacture of iron ordnance. They heard a great deal about the manufacture of large guns and the different systems of rifling. They had the Woolwich gun, the Palliser gun, the Armstrong, and the Whitworth. There was another system of rifling called the Lancaster system. He had himself called attention to that system of rifling for small arms, and it was reported upon by a Committee of officers appointed for the purpose as being superior to the system which was in force. For some years, however, the Government went on manufacturing the other description of rifle, which had been declared inferior in shooting qualities, because had they adopted the Lancaster system they would have had to pay Mr. Lancaster a royalty of 1s. on every barrel they made on his principle. The result was that they saved that 1s. on every barrel, but they got a very inferior weapon for the army, the militia, and the Volunteers. That was a short-sighted policy as far as the efficient equipment of the service was concerned, and it also discouraged invention. The late Secretary of State for War (General Peel) had settled the claim of Mr. Lancaster, and had secured the benefit of the invention to the service, by paying him £4,000, which previous Governments had refused to do. But the Lancaster system of rifling was held by many eminent mechanics to be the best not only for small arms, but for large guns, combining as it did great durability with great accuracy. They also required to have a projectile that was composed of one metal, and not of two. The Armstrong projectile was composed of two metals, the one hard and the other soft, which it was found, especially in hot climates, to render it liable to injury from galvanic action, so that in the rough wear and tear of service the lead became loosened from the iron. The projectile fired from the Woolwich gun was likewise open to the objection of being made of two metals instead of one. Both the Whitworth and the Lancaster systems had the advantage of being both free from this objection, their projectiles entirely dispensing with a soft coating to the iron of which they were composed. It might be objected that the Lancaster guns in the Crimea frequently burst, owing to the projectile jamming; but this was a defect that had been re-

medied, and he believed that with the new projectile the Lancaster system was found to answer admirably well. There was a gun rifled on the Lancaster system now in the Woolwich Arsenal, having a remarkable history attached to it. It was one of six guns which had been tried; the five were found wanting, and the one only stood the test the whole were subjected to; it was a cast-iron gun, yet it had fired 2,000 rounds with wrought-iron projectiles and remained sound. Many thought from this and other circumstances that the Lancaster gun would supply the much desired want of a large gun which would accurately fire a projectile made of one metal only; he commended this opinion to the Secretary for War, and informed him that the late Secretary (General Peel) had said he had ordered a large gun to be made upon the Lancaster principle, and hoped to have it tested in the course of the winter; he desired also to know whether that gun had been tried?

COLONEL GILPIN inquired whether the six guns referred to by the noble Lord had all been tested by charges of the same description?

LORD ELCHO said, he was not able to answer the question.

SIR CHARLES RUSSELL thanked the noble Lord for his observations in reference to the Lancaster gun, which had so many admirable qualities; but he regretted that it was now "too late." Having interested himself in this invention because of its worth, he had found in the course of his inquiries that Mr. Lancaster was dying "worn out and used up," as he had said, from fruitless efforts to procure proper acknowledgment of the worth of his gun; but still ready to be of use if opportunity was given him. This deplorable result had arisen from the fact that the War Office was indisposed to pay the extra cost of 1s. a rifle which the Lancaster gun entailed; or at least some such parsimonious conduct as this had deprived the country of the use of a most admirable gun.

GENERAL PEEL stated, that although the Committee of 1864 had resolved to try Mr. Lancaster's gun, another Committee decided that the army should be supplied with breech-loaders—so that no rifles were made on Mr. Lancaster's principle; it should not be forgotten, however, that Mr. Lancaster had been paid £4,000. He had not the slightest doubt that the Committee of 1864 were right, that the

Lancaster gun was the best, and that it would be adopted.

LORD ELCHO said, it must be admitted that since the Committee of 1864 reported a large number of rifles had been made upon the Enfield system, which the Committee had condemned. He desired to mention another matter which deserved attention, because it had the effect of deterring competitors from coming forward. It had been found that when gentlemen had sent in the result of their brains, other gentlemen had picked their brains, and that the officers and members of the Testing Committees had taken advantage of the plans sent in, and had constructed the Woolwich gun, and the probability was that they had patented that invention. He was glad that the late Secretary for War (General Peel) had put a stop to this most improper practice, whereby officers receiving allowances from the public purse to perform a public duty had devised patchwork guns and patented them in the hope of private gain. He urged the present Secretary to look into these matters himself; he had heard that rifle trials had been carried on to such an extent that those competing had been reduced to eight, and he felt sure that if those trials were continued with judgment we should soon have the best arm in the world.

SIR JOHN PAKINGTON said, the gun referred to had been made, but it had not been rifled, owing to press of work; it was ready for rifling, however, and he thought it should be rifled as soon as possible. His noble Friend need be under no fear that the War Office would lack competitors, as manufacturers had recently sent in upwards of ninety small arms; these were being carefully considered, and all praise was due to the gentlemen who had courage enough to superintend the firing off of some of them.

THE MARQUESS OF HARTINGTON was ready to admit that some delay had occurred in adopting the recommendations of the Select Committee in favour of Mr. Lancaster's gun; but at the time his invention was occupying the War Office it was not a question of emergency, or his gun would certainly have been adopted. At the same time, its superiority over the Enfield was found to be very small. When his noble Friend (Lord Elcho) brought forward the matter two years ago many were in favour of adopting the small-bore Enfield, and before a settlement was come to the breech-loader was competing for public

favour. And during this unsettled period, ranging over the last two or three years, he believed there had hardly been a single bore of the old pattern Enfield rifle manufactured. No one could regret more than himself that Mr. Lancaster had suffered in health by the anxiety and trouble he had undergone in connection with his invention; but the hon. and gallant Member for Berkshire (Sir Charles Russell), when he said that the War Department had almost killed Mr. Lancaster, ought to have brought forward some evidence in support of that statement. The hon. Member referred to the £4,000 granted to Mr. Lancaster by the late Secretary for War; but a considerable time previously a sum of money was offered to Mr. Lancaster, and refused by that gentleman.

GENERAL PEEL thought that the principle adopted with respect to competition in the matter of small arms was the right one. The War Department said that everybody might bring in a gun for experiment, and laid down rules so simple and clear that they were willing to allow any one whom the competitors themselves chose to decide on the excellence of the arms. Therefore he had proposed that the Committee appointed for the purpose should be perfectly independent of the War Department, and, in conformity with a suggestion of the noble Lord opposite (Lord Elcho), the National Rifle Association was represented on the Committee by Earl Spencer, who had been most assiduous in the discharge of his duties. He believed that by far the cheapest and surest way of obtaining the best rifle was to offer a reward to any person in the world who could produce the most excellent weapon.

SIR CHARLES RUSSELL disclaimed any intention of blaming the noble Lord the Member for North Lancashire in mentioning the case of Mr. Lancaster; but he only hoped that after the remedy applied by the late Secretary for War, in the shape of £4,000, the dying man would be completely revived.

LORD ELCHO said, he had reason to believe that his statement with reference to the number of small arms that had been manufactured since 1864 was correct; but if he found on inquiry that it was incorrect he should have pleasure in correcting that statement, and apologising for having done so. The gunmakers and others had informed him that the greatest satisfaction prevailed amongst them in consequence of the instructions given by the late Secre-

tary of State for War, that no member of the Ordnance Select Committee should patent inventions. They had also now an independent Small Arms Committee, which gave great satisfaction to the trade, instead of a Committee consisting of artillery officers. He quite confirmed the noble Lord's statements respecting Earl Spencer, who was performing his duties right well. He begged to ask the Secretary of State for War, whether he intended to adhere to the resolution come to by his predecessor on the subject of patenting inventions by officers?

SIR JOHN PAKINGTON said, he had not come to any decision upon it as yet.

THE MARQUESS OF HARTINGTON said, that he had intended to call attention to a subject of considerable importance—namely, the expediency of granting a practical trial to the Whitworth system; but in consequence of the Secretary of State for War having lately laid on the table of the House the correspondence which had taken place between Mr. Whitworth and the War Department and the Admiralty, which had not yet been printed, he thought it would be more convenient not to raise his intended discussion upon the merits of Mr. Whitworth's system that evening, but wait until such time as the correspondence was in the hands of Members. The invention might turn out an entire failure; but before he left office the system had so far proved to be founded on a sound principle that the late Government decided that Mr. Whitworth's system was deserving of a practical trial on board ship and on fortifications alongside of the Armstrongs. It appeared, however, that the present Government had come to the conclusion that in consequence of the inferiority of the system no steps should be taken to introduce it into the service. It was a subject well deserving the attention of the Committee. The noble Lord the Member for Haddingtonshire (Lord Elcho), who spoke of a large gun on the Lancaster plan, seemed to forget that at a trial of large guns rifled on different principles the Lancaster gun was reported against. Under these circumstances, he thought it rather objectionable that the late Secretary for War should have ordered a large gun from Mr. Lancaster.

GENERAL PEEL said, he had ordered the gun to be manufactured on the recommendation of the Ordnance Committee.

SIR JOHN PAKINGTON hoped the

Committee would not then enter into a discussion of the merits of the Whitworth system; but in justice to Mr. Whitworth, wait until the correspondence he had laid on the table had been printed and circulated. It was far from his mind to disparage the high merits of Mr. Whitworth, for whom personally he entertained the highest respect.

MR. LIDDELL asked the Secretary of State for War to give an answer to the Question put by the noble Lord (Lord Elcho), without there were public reasons for declining to do so—namely, whether he intended to continue to permit officers employed in Public Departments to take out patents. There could be no doubt that such a practice deterred skilful scientific men from forwarding their inventions to the Government.

SIR JOHN PAKINGTON said, he was not then prepared to state that he condemned the system. There was a great deal to be said on both sides. He would give the subject his best attention and consideration, with a view to shortly come to a decision upon it. He, however, very much doubted whether it was wise or politic to depress the energies of clever men engaged in the public service—especially considering the right of the Crown to override all patents. The prospect of obtaining a patent was no doubt a great stimulus to inventive genius.

GENERAL PEEL said, that his rule applied only to the Members of the Ordnance Select Committee. The objection to officers generally taking out patents originated with the Admiralty, and not with the War Office.

SIR JOHN PAKINGTON entirely agreed with his right hon. and gallant Friend that Members of the Ordnance Select Committee should not be allowed to take out patents. They had to act in a judicial capacity.

Mn. SAMUDA thought it would be most improper to allow members of the Ordnance Select Committee to take out patents. No employer of labour could ever carry on his business if the heads of departments were allowed to avail themselves of the improvements that were constantly being made, take out patents for them, and make other inventions subordinate to their own. Officers had the opportunity of carrying out experiments at the public expense, putting prominently forward whatever they approved, and discouraging all other inventions. It was therefore mani-

festly unjust that they should be allowed such advantages in competing with independent inventors.

Vote agreed to.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £593,400, be granted to Her Majesty, to complete the sum necessary to defray the Charge for the Superintending, Establishment of, and Expenditure for Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment from the first day of April 1867 to the 31st day of March 1868, inclusive."

Mr. MONK hoped some explanation would be given of an Estimate on page 81, amounting to a sum of £63,000 for billiard-rooms. It was true that only £3,000 was required for the present year, and £60,000 was left for future years to complete the Vote. Now, the Committee must feel that this was a very large sum for billiard-rooms. This was in addition to a considerable sum for reading and recreation rooms.

SIR JOHN PAKINGTON said, this item had been entered on the Estimates by his right hon. and gallant Friend (General Peel), and he (Sir John Pakington) was ready to support it. He thought it most desirable that officers' quarters in different parts of the country should at least have the same means of indulgence which had been given very largely to soldiers in the shape of reading and recreation rooms, and with great advantage to the service. In the Department with which he was formerly connected—the navy—the plan had been for some time in operation. The Royal Marines had a billiard-room provided for them; and it was not proposed to do more for the army.

GENERAL PEEL said, he had found that both at Sandhurst and at Woolwich billiard-rooms were found, and he thought that young officers on joining their regiments ought not to be deprived of similar opportunities of amusement.

THE MARQUESS OF HARTINGTON understood that the Vote referred to billiard-rooms, not tables.

Mr. ALDERMAN LUSK thought this a very large sum to be spent on billiard-rooms; and it was not creditable to the House to encourage gambling in any shape. ["Oh, oh!"] Those who knew anything of the world must be well aware that the fact was so. The Legislature ought to set their face against anything of the sort.

Mr. Samuda

SIR CHARLES RUSSELL said, he could testify to the beneficent results of such a Vote as this. All the State did was to find the billiard-room—the officers found their own tables. Gambling was prevented by having such amusements provided within the barracks where the officers played among themselves and associated with those who could keep them in good behaviour. It was outside that young men got into bad company.

Mr. P. WYKEHAM MARTIN said, he wished to call the attention of the Government to a circumstance connected with the pay of civil officers in the Royal Engineers department. Previously to 1858 those officers were not compellable to serve abroad in unhealthy climates; but since that time they had been compelled to serve on foreign stations. But, unlike all other officers in the same position, if they died on foreign service their widows received no pension, and that was a great hardship, which was increased by the fact that if such an officer insured his life he vitiated his policy of insurance by going abroad, and then if he died his widow got nothing.

GENERAL DUNNE said, he believed the matter referred to by the hon. Member for Rochester (Mr. P. Wykeham Martin) was under the consideration of the authorities.

COLONEL SYKES wished to know to what part of the world the £60,000 of billiard-tables were to be sent?

SIR JOHN PAKINGTON said, that the £60,000 was for billiard-rooms, not for billiard-tables.

COLONEL SYKES thought that considerable reduction might be effected in the Vote of £3,193,278 for the colonies. He hoped that when the Estimates for next year were being prepared this large item of expenditure would be carefully looked into.

MAJOR ANSON inquired whether the huts at Hong Kong, for which £10,000 was asked, were for the accommodation of Native troops or of Europeans?

Mr. OLIPHANT asked how much of the £5,909 asked for China and Japan was required for the latter country?

Mr. ALDERMAN LUSK moved to reduce the Vote by the £3,000 asked for billiard-rooms.

SIR JOHN PAKINGTON, in reply to the question of the hon. and gallant Gentleman opposite (Major Anson), said that the huts at Hong Kong were intended for Native troops.

Mr. CHILDERS desired to ask a ques-

tion relating to a previous item in the Vote—namely, £9,300 for the removal of Portsea lines. By the removal of those lines the Government would become possessed of a large quantity of most valuable land—worth many thousand pounds—and he wished to ask whether any definite arrangement had been come to as to utilization of that property? If judiciously laid out it might be a source of considerable income.

SIR JOHN PAKINGTON said, the hon. Gentleman was of course aware that the lines at Portsea for any purposes of defence were utterly useless; it was therefore considered advisable to remove them. The value of the land was no doubt very great; but he was not aware that any plan had as yet been laid before the Government for utilizing it.

MR. OTWAY remarked upon the inconsistency of the hon. Member for Pontefract (Mr. Childers), who the other night offered the greatest opposition to an increase of a few thousands in the Vote to augment the salaries of the miserably paid clerks in the Convict Prison department, but was now an ardent supporter of a Vote for £63,000—for that was the amount they were going to vote, though only £3,000 was to be expended this year—for billiard-rooms for officers all over the world. The right hon. and gallant Gentleman (General Peel) had informed them that in another page of the Estimates there was a Vote for billiard-tables. He had no objection to the buildings being found; but if they were to provide the tables where were they to stop? Of course, they would be called upon for the cues and other requisites. He hoped the hon. Member for Finsbury (Mr. Alderman Lusk) would persevere with his Amendment for reducing the Vote. He was sure that the officers themselves would repudiate the idea of the taxpayers of the country being called upon to pay for their amusements.

MR. CHILDERS thought that, after the personal attack made upon him, he might be permitted to point out the inconsistency in the conduct of his hon. Friend the Member for Chatham (Mr. Otway), who stated his unwillingness to support the Vote for the billiard-rooms, while in the same speech he called on the hon. Member for Finsbury to persevere with an Amendment for its rejection. As for himself, in or out of office, he should always oppose anything which appeared to him to be extravagant, and on that ground he had opposed the proposal for increasing the

salaries of the convict clerks; but he did not see the connection between that proposal and the Vote of £3,000 for billiard-rooms for the officers of the army. In each case he had formed his opinion on what appeared to him to be the merits of the case itself.

SIR HENRY EDWARDS did not think there was any good reason for opposing the small Vote for billiard-rooms. Hon. Gentlemen who were so very sensitive on the point of spending the public money on matters intended for the recreation of gentlemen serving in the army ought to remember that dining and smoking-rooms were provided out of the public funds for the recreation and comfort of the Members of the House of Commons.

MR. MONK asked, whether this was a new Vote, and whether billiard-rooms were voted for other Departments of the public service?

GENERAL PEEL said, it was quite a new Vote. He ventured to think that the public would not object to billiard-rooms and billiard-tables being provided for the officers of the army, who were a very badly paid class of public servants, and were often sent for months to very dull places where there were no amusements. Were regiments to carry their billiard-tables about with them?

MR. OTWAY said, his personal experience of the army was that the regiments ordered to such places always purchased the billiard-tables and other amusing games their predecessors generally had to dispose of on leaving. The Vote itself was not of much importance; but he submitted that it was a new principle for Parliament to provide amusements for military officers. Such a proposition was the more objectionable at a time when the reasonable demands of badly paid Government clerks for a small increase of salary were peremptorily refused.

COLONEL GILPIN reminded the Committee that though a great deal had been done in recent years to improve the condition of soldiers, the officers had not participated in the grants for that purpose. This was a trifling matter, yet might be of very great service. Billiard-rooms in barracks would be of use in keeping young officers from going to public billiard-tables at which gambling might be going on.

SIR PATRICK O'BRIEN hoped that his hon. Friend the Member for Finsbury (Mr. Alderman Lusk) would not press his Amendment. At some remote stations

officers could not find billiard-tables if they were not provided in the barracks. The officers of the army were very badly remunerated, for they received little more than interest on the money paid for their commissions.

LORD ELCHO hoped the reduction would not be pressed; because, although it was true that the privates had not been provided with billiard-tables, libraries and reading-rooms had been established for their recreation, and bagatelle-boards and draught-boards had been provided for their amusement. He saw no reason why they should not adopt a similar liberality in their treatment of officers:

MR. ALDERMAN LUSK said, he objected to providing either billiards or billiard-rooms for officers. He believed it was not desirable to hold out any encouragement to these young men to engage in that amusement. He persisted in his Amendment for the omission of the £3,000 from the Vote.

Motion made, and Question,

"That the Item of £3,000, for Billiard Rooms, be omitted from the proposed Vote,"—(*Mr. Lusk*,)

—put, and *negatived*.

Original Question put, and *agreed to*.

(4.) £112,000, to complete the sum for Military Education.

LORD EUSTACE CECIL called attention to the largeness of the sums to be expended on the Military Schools of Sandhurst and Woolwich. Sandhurst cost the country £17,313, and Woolwich £15,363. This large outlay was, he believed, occasioned by the disproportionate supply of teachers to the number of pupils. There were at Woolwich 180 cadets, and fifty professors and executive officers; while at Sandhurst there were 300 cadets, and forty-five professors and forty-five executive officers; so that at Woolwich the proportion was one professor or executive officer to about every four cadets, and at Sandhurst one professor or executive officer to about every six cadets. He wished to know why these two establishments should entail so much expense on the country, for there were, he believed, no other educational establishments which cost, proportionately, so much. In his opinion either the two Colleges ought to be amalgamated, or the number of professors in each of them ought to be reduced. He hoped the right hon. Gentleman the Secretary of State for War would take this

matter into consideration when he proposed a scheme for military re-organization.

SIR PATRICK O'BRIEN, referring to the Staff College at Sandhurst, remarked that a Parliamentary Return respecting the appointments to the Staff from 1859 to the present time gave the following results:—The number of lieutenant-colonels who had received their education at the Staff College was only four, while the number who had not passed through the establishment amounted to eighty-two. Then only eleven majors had passed through Sandhurst, while seventy-seven had not. In regard to captains the proportion was still more striking, for only fifty-seven had come from Sandhurst, while no fewer than 202 had been appointed to the Staff without having passed through the College. Of lieutenants only three had passed through the Staff College, as compared with 116 who had not received that education; while of the nineteen ensigns or cornets not one had passed through the College. Unless the right hon. Gentleman were able to state that the future results would be more satisfactory, he should feel inclined to move that the sum which was asked for the maintenance of the Staff College at Sandhurst should be omitted from the Vote.

SIR HARRY VERNEY bore testimony that the education given at the Staff College at Sandhurst was most admirable, and he hoped the Committee would do nothing to impair its efficiency. He hoped that measures would be adopted to prevent the appointment to the Staff of officers who were really not capable of performing Staff duties. There were, he believed, 1,600 officers in the French army who were perfectly competent to command a regiment of cavalry or infantry, to lay down the country, and to perform all the duties of a Staff officer.

LORD EUSTACE CECIL said, that unless the number of professors at Woolwich and Sandhurst were reduced there was but little chance of the Estimate being diminished. At Woolwich there was a professor of practical geometry and also a master for geometrical drawing; but he could see no reason why a master for geometrical drawing could not teach practical geometry. Then there was an item for the payment of a Master and Adjutant at Sandhurst, but at Woolwich the two offices were combined. Again, there were three Instructors in Military History at Sandhurst and none at all at Woolwich.

Sir Patrick O'Brien

These and various other matters required investigation.

MR. SELWYN said, he could not understand why a poor man's son, who could not purchase a commission, was compelled to spend a year at Sandhurst, while a rich man's son might obtain his education anywhere else. Let the examination be made as strict, as special, and as military as possible; and if a youth could pass it and perform the duties required of him, why should inquiry be made as to where he had received his education?

MR. OTWAY would repeat a complaint made last year, that there were at Sandhurst four Professors of Military History, and in all thirty professors, for 180 cadets; while at Eton 800 boys were taught with a smaller staff of Masters. Surely, two of the four Professors of Military History might be dispensed with? A calculation showed that the education at Sandhurst cost £130 or £140 each cadet; that was what was voted by Parliament. It was a ground for complaint that only a small proportion of the officers who thus received their education at the expense of the State were appointed to those places they were best qualified to fill, while others, who had not received special training, were selected for Staff appointments.

COLONEL GILPIN said, he was not prepared to oppose the Vote for the College although he had no great love for it. He concurred with the hon. and learned Gentleman (Mr. Selwyn) in thinking that the present regulations at Sandhurst tended to preserve an invidious distinction between the sons of the rich and the poor. A clergyman might educate a rich man's son with his own, and yet the latter must go to Sandhurst for a year, while the former would escape because he could purchase his commission.

MR. O'BEIRNE said, it was desirable to know what proportion of those who had passed the Staff College had not been appointed to the Staff.

SIR PATRICK O'BRIEN said, there was an unprinted Return showing that several lieutenants, cornets, and ensigns who had passed the Staff College had not received Staff appointments, although there were nineteen cornets and ensigns who had received appointments on the Staff and had not passed the College.

SIR JOHN PAKINGTON fancied there would be more ground for complaint than there was if the system at Sandhurst was assimilated to that at Eton, and that it

would be a great misfortune for the army if the College were done away with. With regard to the question that had been put as to residence, the requirement of a year's residence from the man who received a gratuitous commission was the guarantee that the officer receiving it was well educated. The sons of officers were admitted on lower terms than others. The education given at Sandhurst was extremely good; and this was the only College in England in which a military training was given, and it was better than that given in any other country in Europe. The rule was, that officers who had passed the Staff College were appointed on the Staff; but a special exception was made in the case of officers who had gained distinction in the field, and he believed that would be the real explanation of the figures quoted. It was not supposed that all Staff appointments were given to those trained at the College; they were given also to those who had been on the personal Staff of a General Officer. With regard to what had been said as to the number of professors, he thought the real question was, whether the education given was not of the very best kind. At the Staff College officers received a training which qualified them for all Staff duties, and their services would be required in the event of war breaking out.

SIR HARRY VERNEY said, he believed the education given at Sandhurst was of the best kind, and provided at a very slight cost. He had been told that officers trained there were found perfectly prepared to undertake their military duties when they joined their regiments. He wished that all officers were required to go there before receiving Staff appointments; for it was unfair to officers who worked hard at Sandhurst that others, who did not understand Staff duties, should be appointed.

LORD EUSTACE CECIL said, he did not take objection to Sandhurst or Woolwich particularly; but complained of such an enormous expense as £32,000 a year on account of executive officers and professors.

MR. SELWYN wished to explain that he had not argued in favour of a relaxation of the standard of competition. Let the examination be made as high, as technical, and as military as they pleased; but when a candidate did what was required of him, why should the War Office make it a condition that he should acquire his knowledge in any one particular place?

SIR PATRICK O'BRIEN said, the objection was not a military but a financial one. It appeared that an average number of ten and a fraction had passed through the Staff College at a cost to the country of £8,596 a year.

SIR CHARLES RUSSELL, without wishing to be egotistical, said, that he had been employed in the department of Quartermaster General and Adjutant General without passing an examination. On behalf of others as well as himself who had entered the service before the rule of examination was established, yet who had had experience in the field, he begged to say that it would be very hard to exclude them from the chance of service. He did not depreciate special education; but, at the same time, thought that practical knowledge gained in the field was worth all the theoretical knowledge which could be crammed into a boy; and that if a man from actual service showed aptitude for the profession he should not be debarred from rising in it.

SIR PATRICK O'BRIEN said, he had not for a moment intended that his remarks should apply to those who, like the hon. and gallant Baronet (Sir Charles Russell), had won the Victoria Cross for services in the field. He thought those who had obtained distinction by their services before the enemy were of all others most entitled to Staff appointments.

MR. AYRTON said, that if the statement of his hon. Friend were correct that the education of every officer who passed through the Staff College cost the country £800, and when the knowledge imparted was possibly only a smattering, the Secretary for War would do well to consent to the appointment of a Committee to investigate the matter.

SIR JOHN PAKINGTON said, he did not know on what authority the hon. Gentleman made this statement. Whether the education given at the College were costly or not, he had never heard that it was not a thoroughly good military education. The Vote for the College was exactly the same as last year; and he therefore assumed that it had been considered satisfactory by the House.

MR. LAING, having had a son at Sandhurst, felt bound to express his belief that a thorough and excellent military education was imparted there. The country, at all events, received full value for the money expended in training the junior department, and it was desirable that the

Mr. Selwyn

country should be able to secure the services of young men duly qualified. He heard instances during the Crimean war in which officers who obtained their commissions by purchase were some months before they were able to perform their military duties. The officers trained at Sandhurst, on the other hand, were able at once to enter upon their regimental duties. If war broke out again, the War Office would want a large supply of such officers. The late Lord Herbert was of opinion that all officers on entering the army, whether by purchase or not, ought to pass some description of military college like that of Sandhurst. With regard to the senior department, it was worthy of inquiry whether the country obtained an adequate return for the large expenditure upon the Staff College. Staff appointments were now held for only a limited number of years; and perhaps the reason why so comparatively small a number passed that institution was that it was not considered worth an officer's while to qualify himself for a Staff appointment.

Vote agreed to.

(5.) £59,300, to complete the sum for Surveys, United Kingdom.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £100,200, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Miscellaneous Services, which will come in course of payment from the 1st day of April 1867 to the 31st day of March 1868, inclusive."

MR. CANDLISH called attention to the expenses—altogether £28,271—attendant upon carrying out the Act for the prevention of contagious diseases at certain naval and military stations. He disapproved thus taking away the penalty which immorality brought with it, and of giving facilities to crime, and he moved that this item in the Vote be reduced by the sum of £26,624.

SIR JOHN PAKINGTON said, the question had been so often debated that he should decline to follow the hon. Gentleman into the policy of this legislation.

Motion made, and Question,

"That the Item of £26,624, for expenses attendant upon carrying out the Act for the prevention of Contagious Diseases at certain Naval and Military Stations be omitted from the proposed Vote,"—(*Mr. Candlish*),

—put, and *negatived*.

Original Question put, and *agreed to*.

(7.) Motion made, and Question proposed,

"That a sum, not exceeding £144,600, be granted to Her Majesty, to complete the sum necessary to defray the Charge for the Administration of the Army, which will come in course of payment from the 1st day of April 1867 to the 31st day of March 1868, inclusive."

LORD ELCHO said, that great encouragement might be given to enlistment if more places in the service were opened to old soldiers. By no class of men was the work of public offices better discharged than by non-commissioned officers, and he hoped the right hon. Gentleman would see whether they could not be appointed in greater numbers than at the present time.

SIR JOHN PAKINGTON said, that both at the War Office and at the Horse Guards non-commissioned officers were now employed as messengers, and in some cases as clerks.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Alderman Salomons.*)

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(8.) £13,100, to complete the sum for Rewards for Military Service.

(9.) £36,000, to complete the sum for Pay of General Officers.

(10.) £231,800, to complete the sum for Pay of Reduced and Retired Officers.

(11.) £79,600, to complete the sum for Widows' Pensions and Compassionate Allowances.

(12.) £13,200, to complete the sum for Pensions and Allowances to Wounded Officers.

(13.) £17,800, to complete the sum for Chelsea and Kilmainham Hospitals.

(14.) £595,800, to complete the sum for Out-Pensioners.

(15.) £68,000, to complete the sum for Superannuation and Retired Allowances.

(16.) £11,000, to complete the sum for Retired Allowances for Disembodied Militia, Yeomanry Cavalry, and Volunteers.

House resumed.

Resolutions to be reported *To-morrow*;

Committee to sit again *To-morrow.*

RAILWAY COMPANIES BILL.—[BILL 164.]

(*Sir Stafford Northcote, Mr. Stephen Cave, Mr. Attorney General.*)

CONSIDERATION.

Order for Consideration, as amended, read.

Bill, as amended, *considered.*

SIR ROUNDELL PALMER, while approving of some parts of the measure, objected to it in two particulars. In the first place, the Bill took away the common law right of creditors to obtain execution on judgment against Railway Companies, and that, he thought, ought not to be done. He should propose an Amendment to leave this power in the hands of the creditors, unless the Court of Chancery should appoint a receiver. The other Amendment of which he had given notice was this—The 7th clause proposed to give an extraordinary power to the Directors to propose a scheme of arrangement with creditors upon a certain majority of shareholders being obtained in its favour; it added that the scheme might be with or without provision to alter the rights of shareholders as amongst themselves, and gave to the Court of Chancery power to confirm the arrangement, and give it the same force as if an Act of Parliament had been obtained. He could not conceive how any alteration of the legal rights of different classes of shareholders, as between themselves, could be justified by the vote of any majority. The creditors must, of course, first be provided for; and, as to them, arrangements made with the concurrence of certain majorities might be justified by the analogy of the Bankrupt Acts. But if after providing for the creditors there was any surplus left, the shareholders ought to continue entitled to that surplus, according to their original rights; and nobody ought to have the power to take those rights away without the consent of every individual interested.

Amendment proposed in Clause 4, p. 2, lines 4 and 5, to strike out "31st day of October 1867," and insert "passing of this Act."

MR. WATKIN opposed the Amendment the hon. and learned Gentleman intended to propose. It was not desirable that a locomotive should be liable to be seized for a very small debt, and the traffic of a railway thus brought to a standstill.

MR. STEPHEN CAVE having given a brief history of the progress of the Bill, stated that it had originated in the Railway Companies Arrangements Bill, brought in by the Secretary of State for India (Sir Stafford Northcote), and after being read a second time, had, in conjunction with the Debenture Holders Bill, introduced by the hon. Member for Stockport (Mr. Watkin), been referred to a Select Committee. This Committee was a very strong one, numbering among its members the Attorney General and the late President of the Board of Trade. It was not too much to say that the duty intrusted to them had been performed with the greatest care and ability. The first part of the measure precluded a railway company from being stopped by a contract creditor, giving him instead the remedy of a receiver. It did not, however, interfere with distress for rates and taxes, or rent, nor with claimants in cases of tort—such, for instance, as injuries to person or property. In other cases it substituted for execution, after two months' default, a receiver appointed by the Court who would distribute the net earnings according to priorities to be determined by the Court. Part 2 was intended to meet cases of companies desirous of making arrangements short of winding up. It followed the analogy of voluntary arrangements between debtor and creditor by deed under the Court of Bankruptcy. Great care was taken to protect all parties who were interested. The majority of three-fourths was according to the Companies Act of 1862, and the minority was protected by appeal to the Court. Part 3 regulated the compulsory winding-up of insolvent Companies. Some exception had been taken to this being done after the appointment of a receiver and manager for a year only; but that minimum time was fixed after great consideration, and it could be enlarged by the Court. Part 4 regulated proceedings in Court. Part 5 provided a remedy for an evil mentioned in various debates during the present Session—that, namely, of providing funds for permanent works by a floating, instead of a fixed debt. It allowed debenture stock to be issued at any rate of interest, and gave facilities for raising money to pay off existing debentures. Part 6 extended the Abandonment Act of 1850; and part 7 remedied an injustice to landowners in the case of the insolvency of a railway company; which had been long complained

of. The Committee having obtained power to consolidate the two Bills, it was only necessary, according to the rules of the House, that the new Bill should be re-committed. This was done on the 21st of May, *pro formâ*. The Bill was then reprinted as amended by the Committee, and was in the hands of Members on the morning of the 24th. It passed through Committee on the 27th, and had since been re-committed for an Amendment. Fault had been found with him for not having explained the nature of the Bill. It was his duty to do so at any time if required; but as it closely followed that which had been laid down by the House in the debates on the earlier stages, as the principle of such a Bill as would meet the exigencies of the times, he considered that objections, if any, would only be taken in Committee on the details, and as both sides of the House and all interests were well represented in the Select Committee, and great anxiety was expressed for the rapid passing of the measure, he did not feel justified in doing anything to cause delay. And when it was said, or at any rate suggested, that a concealment almost amounting to a fraud had been practised upon the House by altering the title and hurrying the Bill through, he would ask what sort of concealment was that to which not only the Government, but the Opposition, were parties—not only the promoters, but the opponents of the original measure? And when it was said that the alteration of the title had been misleading, he could only say that, having been informed that the title could not be the same, the Committee had made the smallest alteration they could—namely, from Railway Companies Arrangement Bill to Railway Companies Bill, which would scarcely mislead the most careless. It would be difficult to find a more innocent fraud than one practised with due notice to the representatives of all parties concerned. The hon. and learned Member's opinion upon these points was, of course, entitled to the highest respect; but he thought he would see, when the House entered upon the discussion of the Amendments, which he had placed upon the Notice Paper, that one of them completely frustrated one of the main objects of the Bill. There could be no objection to the one which he had now proposed.

Amendment agreed to.

Mr. Watkin

Amendment proposed,

In page 2, line 8, after the word "Company," to insert the words "without the leave of the Court of Chancery, after notice shall have been given to the judgment creditor of any such application to that Court as hereinafter provided for, unless and until such application shall have been dismissed or refused."—(*Sir Roundell Palmer.*)

MR. STEPHEN CAVE said, this Amendment was antagonistic to the principle of the Bill. The hon. and learned Gentleman did not propose any instructions to the Court of Chancery as to the circumstances under which it should refuse or allow an execution. He thought this was a proposition to which the House ought not to consent. Perhaps the hon. and learned Gentleman's object would be gained by small debts, say under £20, being exempted from the operation of the Bill.

MR. MILNER GIBSON supported the clause as it stood. The proposition was not directed against existing creditors, but future creditors of railway companies would give them credit with the full knowledge that they could not levy executions in case of default in payment, and so stop the traffic on the public highways. They would, however, have a better remedy—namely, by applying to the Court of Chancery for the appointment of a receiver, so that they would be paid out of the earnings of the company. Existing creditors, moreover, would retain their powers of execution and would have this new mode of redress in addition.

SIR ROUNDELL PALMER contended that the clause would encourage solvent companies in delaying the payment of their debts. He could not see any necessity for obliging the creditors of solvent companies to resort to the cumbrous and perhaps tedious plan of getting a receiver appointed. If a company were insolvent it would itself apply for such an appointment; but the debts of solvent railway companies ought to be on the same footing as the debts of any other solvent undertaking.

MR. AYRTON hoped that the hon. and learned Gentleman would not press his Amendment, because a creditor would have a better remedy without it, inasmuch as a solvent company would, under the provisions of the Bill as it stood, make immediate payment, while a receiver ought to be appointed in the case of a company that was insolvent.

MR. LEEMAN also trusted that the House would not agree to the Amendment

proposed by the hon. and learned Gentleman.

THE SOLICITOR GENERAL thought it would be better to leave the clause as it stood, especially as the whole matter had been most carefully considered in Committee. No company that was solvent would think for an instant of allowing a receiver to be appointed.

Question, "That those words be there inserted," put, and *negatived*.

Amendment proposed,

In page 2, line 22, after the word "Court," to insert the words "in payment of the judgment and other debts of the Company, and otherwise."—(*Sir Roundell Palmer.*)

MR. LEEMAN objected to the introduction of the words, which, he said, would fetter the discretion of the Court, by introducing a doubt as to the priority in which judgment debts were to be paid.

MR. AYRTON supported the Amendment, which, he said, was not likely to mislead a Judge. Under the Bill as it stood a creditor was not a "person interested in the railway."

MR. LAING contended that, if the object of the Amendment were not to create a prejudice in favour of judgment creditors, the insertion of the words was needless.

MR. STEPHEN CAVE had no objection to the insertion of the words "in payment of the debts of the Company or otherwise," if that would meet the view of the hon. and learned Gentleman.

MR. WATKIN said, the wording of the clause had been very carefully considered in Committee, and hoped it would not be altered.

MR. AYRTON supported the proposed addition. Unless the words were inserted every creditor, in self-defence, must sue out judgment, and apply to the Court of Chancery.

Question, "That those words be there inserted," put, and *negatived*.

Another Amendment proposed in clause 7, page 2, line 27, to omit "with or without provisions for altering any rights of shareholders of the company as among themselves."

MR. LAING opposed the Amendment.

MR. DODSON pointed out that the words did not, as supposed, give the right to create pre-preference stock. He suggested the substitution for "altering" of the words "settling and defining."

MR. STEPHEN CAVE said, he was willing to accept this Amendment.

Amendment to omit "altering" and insert "settling and defining" *agreed to.*

Other Amendments made.

Bill to be read the third time *To-morrow.*

CHRIST CHURCH ORDINANCES (OXFORD)

BILL.

On Motion of Sir ROUNDELL PALMER, Bill to repeal certain Ordinances made for the Cathedral or House of Christ Church in Oxford, by the Commissioners appointed under "The Oxford University Act, 1854," and to substitute a new Ordinance in lieu thereof, *ordered to be brought in by Sir ROUNDELL PALMER, Mr. CHICHESTER FORTESCUE, and Mr. WILLIAM HENRY GLADSTONE. Bill presented, and read the first time. [Bill 190.]*

LOCAL GOVERNMENT SUPPLEMENTAL (NO. 4)

BILL.

On Motion of Mr. Secretary GATHORNE HARDY, Bill to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to Oswaldtwistle, Devizes, Layton with Warbrick (Blackpool), Harrogate, and for other purposes relative to certain districts under the said Act, *ordered to be brought in by Mr. Secretary GATHORNE HARDY and Mr. SCLATER-BOOTH.*

Bill *presented, and read the first time. [Bill 191.]*

POOR LAW BOARD, &C., BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to make the Poor Law Board permanent, and to provide various amendments in the Laws for the Relief of the Poor, *ordered to be brought in by Mr. SCLATER-BOOTH, and Mr. Secretary GATHORNE HARDY.*

Bill *presented, and read the first time. [Bill 193.]*

PIER AND HARBOUR ORDER CONFIRMATION

(NO. 3) BILL.

Considered in Committee,

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for confirming a Provisional Order made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to the construction of a Pier at Cleethorpes, in the County of Lincoln.

Resolution *reported:*—Bill *ordered to be brought in by Mr. DODSON, Mr. STEPHEN CAVE, and Mr. HUNT.*

Bill *presented, and read the first time. [Bill 192.]*

METROPOLIS SUBWAYS BILL.

Select Committee on the Metropolis Subways Bill *nominated:*—Mr. TITE, Mr. FLOYER, Mr. JACKSON, Mr. McCULLAGH TORRENS, and Mr. PAULL, and Five Members to be nominated by the Committee of Selection:—Power to send for persons, papers, and records; Five to be the quorum.

Mr. Dodson

Ordered, That all Petitions presented during the present Session against the Bill be referred to the Committee, and such of the Petitioners as pray to be heard by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions. That the parties appearing before the Committee have leave to print the Minutes of the Evidence taken before the Committee day by day from the Committee Clerk's Copy, if they think fit.—(Mr. Ayrton.)

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, June 7, 1867.

MINUTES.]—PUBLIC BILLS—First Reading—

New Parishes and Church Building Acts Amendment* (146); Agricultural Employment* (147); Consecration and Ordination Fees* (148); County Treasurers (Ireland)* (149); National Gallery Enlargement* (150); Colonial Bishops* (153).

Second Reading—Metropolitan Police* (135).

Report—Policies of Insurance* (151 & 152); Public Libraries (Scotland) Acts Amendment* (128); Chester Courts* (77).

Third Reading—(£14,000,000) Consolidated Fund*; (£1,700,000) Exchequer Bonds*; Public Works Loans* (137); Contagious Diseases (Animals)* (139); Pier and Harbour Orders Confirmation* (117); Intestates Widows and Children* (120), and *passed.*

PROOF OF FIREARMS.—QUESTION.

EARL SPENCER asked the Under Secretary of State for War, Whether it is the intention of Her Majesty's Government to amend the Proof Acts this Session, so as to make them more applicable than at present to breech-loading arms. His reason for bringing the subject forward was that the manufacture and sale of firearms in this country were regulated by Acts of Parliament, and that upon those Acts persons who used firearms depended for their safety. In 1855 an Act of Parliament was passed relative to this subject, which contemplated the probability of changes becoming necessary. In 1862, the then Secretary of State for War introduced certain Amendments, and the time had now arrived when it was necessary to make further Amendments in the law. Since 1862 great improvements had taken place in small arms, especially with regard to breech-loaders, and the attention of scientific men in Europe and in America had been largely turned to this subject. He

believed that some doubts existed as to how far breech-loaders were affected by the present Proof Acts, and he would therefore ask his noble Friend whether the law was clear upon the point? He had, however, been induced to ask the Question which he had put upon the Paper because there were at present a great many different kinds of cartridges manufactured; and, as the safety of a breech-loader depended partly upon the nature of the arm and partly upon the nature of the cartridge, a breech-loader which was perfectly safe with one kind of cartridge might be unsafe with another. A great many accidents had taken place in consequence of using breech-loaders and cartridges which did not correspond with each other. A noble Friend of his, for instance, had been seriously injured by using a metallic cartridge with an arm which had been found perfectly safe with a paper one. Indeed, an arm was not always safe, even if employed with the same kind of cartridge, for a great many breeches had been blown open by using cartridges which, though similar to those with which the gun had been proved, were faulty in construction. The subject was one of great interest and importance to the public, and well worthy attention.

THE EARL OF LONGFORD said, there were two Companies, who acted practically as one in this matter, to whom all the arrangements for proving gun barrels had been intrusted almost from time immemorial. By the Act of 1855 these Companies were empowered to frame bye-laws amending their powers with reference to the proof of gun barrels, which, after receiving the approval of the Recorder of Birmingham in some cases, and of Her Majesty's Secretary of State in all cases, would have the force of law. It would not, therefore, be necessary to make any alteration in the law as it at present existed. These Companies had, of course, noticed the consequences which had attended the introduction of breech-loaders and the change in the construction of arms, and had proposed certain alterations in their bye-laws to meet the case, which were at present under consideration of the Secretary of State. The change proposed would, he hoped, give increased security as far as the proof of gun barrels was concerned. He was afraid, however, that would not afford security in the case of the cartridges, because the manufacture of cartridges was a trade entirely inde-

pendent of the gunmakers. He had not yet heard of any precise plan by which that security could be obtained, but it was to be hoped that the manufacturers of cartridges might be able to come to an understanding amongst themselves, in the same manner as the gunmakers had done; so that by the adoption of recognised marks on cartridges the public might be able to ascertain without difficulty with what arm any particular kind of cartridge might be safely employed.

NEW PARISHES AND CHURCH BUILDING ACTS AMENDMENT BILL [H.L.]

A Bill to amend the New Parishes Acts and Church Building Acts—Was *presented* by The Archbishop of York; read 1^a. (No. 146.)

AGRICULTURAL EMPLOYMENT BILL [H.L.]

A Bill to regulate the Employment of Children and Young Persons in Agriculture in England—Was *presented* by The Lord PORTMAN; read 1^a. (No. 147.)

CONSECRATION AND ORDINATION FEES BILL [H.L.]

A Bill for the Establishment of a Table of Fees to be taken on the Consecration of Churches and Burial Grounds and on the Ordination of Deacons and Priests—Was *presented* by The Archbishop of CANTERBURY; read 1^a. (No. 148.)

COLONIAL BISHOPS BILL [H.L.]

A Bill to remove Doubts as to the Effect of Letters Patent granted to certain Colonial Bishops, and to provide for the Disposal of Property upon the Death of such Bishops—Was *presented* by The Duke of BUCKINGHAM AND CHANDOS; read 1^a. (No. 153.)

House adjourned at a quarter before Six o'clock, to Monday the 17th Instant, at a quarter before Four o'clock.

HOUSE OF COMMONS,

Friday, June 7, 1867.

MINUTES.]—SELECT COMMITTEE—On Special and Common Juries *nominated*.

SUPPLY—*considered in Committee*—ARMY ESTIMATES.

Resolutions [June 6] *reported*.

PUBLIC BILLS—*Resolution in Committee*—Courts of Law, &c. (Salaries and Expenses).

Ordered—Investment of Trust Funds.*

First Reading—Contagious Diseases (Animals)* [196]; Investment of Trust Funds* [197].

Second Reading—Lis Pendens* [153].

Committee—Bankruptcy* (*re-comm.*) [131] [R.F.]; Judgment Debtors* (*re-comm.*) [132] [R.F.]; Bankruptcy Acts Repeal (*re-comm.*) [133] [R.F.]; Charitable Donations and Bequests (Ireland)* [49]; Inclosure (No. 2)* [186]; Bridges (Ireland)* (*re-comm.*) [140].

Report—Charitable Donations and Bequests (Ireland)* [49]; Inclosure (No. 2)* [186]; Bridges (Ireland)* (*re-comm.*) [195].

Considered as amended—Court of Chancery (Ireland)* [180].

Third Reading—Railway Companies* [164], and passed.

STORM WARNINGS.—QUESTION.

COLONEL SYKES said, he wished to ask the Vice President of the Board of Trade, Whether any and what action has been taken to restore "Storm Warnings," consequent upon the Deputation of Members of Parliament to the President of the Board of Trade?

MR. STEPHEN CAVE replied, that since the deputation the noble Duke (the Duke of Richmond) the President of the Board of Trade had communicated personally with General Sabine, the President of the Meteorological Committee. A letter had also been written asking whether it might not be possible for that Committee to meet that desire for some warning of apprehended danger from storms which had been so strongly urged. General Sabine had expressed his willingness to do so, as far as practicable, and the Committee now had the subject under consideration. It should be remembered that this Committee consisted of scientific gentlemen named by the Royal Society, at the request of the Government, as most competent to conduct these inquiries; they gave their time, labour, and talents gratuitously; they were appointed because a Government Department felt itself incompetent to deal with a purely scientific matter; they were responsible for the results of the expenditure sanctioned by Parliament, and it must be left to them to decide what could and what could not be done in the practical application of the present results of meteorological science.

COLONEL SYKES said, he wished to know, whether the Committee had expressed their willingness to undertake the subject of Storm Warnings?

MR. STEPHEN CAVE replied, that they were willing to do so as far as possible, and that the subject was now under their consideration.

INSPECTION OF SHIPS.—QUESTION.

MR. J. A. SMITH said, he wished to ask the Vice President of the Board of Trade, Whether, in reference to the Copies of Memorials "on the subject of disasters at sea and their prevention," presented to the House this Session by the Board of Trade,

it is intended to take any steps to carry out the recommendations or suggestions contained in such Memorials; particularly in reference to the urgent want which is represented to exist of Inspectors of Mercantile Shipping?

MR. STEPHEN CAVE, in reply, said, the subjects referred to in the Memorials were under the consideration of the Board of Trade, with a view to future legislation. The question of inspecting ships about to go to sea was one of great difficulty. In the first place, no complete inspection could be made by the Government without relieving the owners of their responsibility to shippers, insurers, passengers, and others; which, after all, was the very best security. It was not easy to establish a system of inspecting thoroughly every loaded merchant vessel before she went to sea, without seriously impeding the trade of the country. At the same time it was worthy of consideration whether any safe steps could be taken in this direction by ordering a survey in cases where there was ground for suspicion, and where complaint was made. Except in the case of passengers and crews, even this was more for parties interested than for the Government. As regarded passengers, they were already cared for; as regarded the crew, they were not obliged to proceed to sea if the ship were unseaworthy. But this was often a question difficult to determine; and the Justices who were called on to decide were often very much at sea themselves. It was under the consideration of the Board of Trade whether, in case of allegation of unseaworthiness, the Justices should not have the assistance of the Board of Trade Surveyor, to enable them to decide whether the crew should or should not be compelled to go to sea.

ARMY—CAPITATION GRANT TO VOLUNTEERS.—QUESTION.

MR. SCHREIBER said, he would beg to ask the Secretary of State for War, Whether the Capitation Grant due to Volunteers for the year ending the 30th November, 1866, has yet been paid; and, if not, what is the cause of the delay, and whether it may not be prevented for the future?

SIR JOHN PAKINGTON: Sir, the present state of the issuing of the Vote for the Capitation Grant is as follows:—The sum of £120,000 was voted on ac-

count at the commencement of the year, and of that amount £76,000 has been issued for the efficient service of last year, while the remainder is in course of being issued. There has been, and I am afraid there will continue to be, a certain delay which arises from different causes, one of which I explained on a former evening. These monies are not issued till they are applied for, and when applied for it is necessary to examine the accounts in each case closely. Of course this investigation causes delay.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—THE "GREENWICH SIXPENCE."

OBSERVATIONS.

MR. TREVELYAN said, he rose to call the attention of the House to the case of the old Seamen who paid the Greenwich Sixpence before the year 1834. The merchant seamen were a patient and enduring class, and when they united to complain of a grievance the probability was that the grievance would prove to be a real one. Formerly the seamen in the merchant service had to contribute sixpence per month towards the funds of Greenwich Hospital. The old seamen whom he represented in this instance, believed that they had a claim upon the country on account of the sixpence per month which they had paid to the funds of Greenwich Hospital out of their wages. This payment was discontinued in the year 1834, on account of its manifest injustice. Though so many years had since elapsed, the seamen concerned had not forgotten their claims. A few months ago there sprang up an agitation in the north-eastern ports, that they ought to receive what they thought to be their due. The genuine character of the agitation was shown by the petitions which had been presented in respect to it; those petitions had not been hawked about; signatures had not been canvassed for. Yet in the course of a very short time the petition at Shields was signed by 430 old men—the lowest term of service of any one of them being thirty-three years. The petition at Sunderland was signed by 330 old men, whose average age was sixty-six years. There was something almost pathetic in

the sight of the signatures and the marks scrawled over a long roll of pages of copybooks rudely pasted together. He thought he should best perform his duty by simply laying their hopes and wishes before the House, without moving any Resolution for a Committee. The demands of the petitioners were so small that they might be almost covered by the expenses of a Select Committee and a couple of blue books. He would be content to leave the subject to the just consideration of a Government which, rightly or wrongly, was considered by the seafaring classes as peculiarly favourable to their cause. The sum involved was an extremely modest one; but in the eyes of these poor old seamen it assumed very different proportions, and was a grievance that they considered to be by no means a contemptible one. Their case was this:—The sixpence per month contributed out of their wages was or was not accepted with the intention of its securing some prospective advantage to the merchant service. If it was not so intended, it was great injustice that the men should have been called upon to contribute to the expenses of Greenwich Hospital. If it was intended that the payments should accrue to the ultimate benefit of those who made them, these old seamen were prepared to prove that they had never received any compensation or advantage whatever in return for the sixpences deducted from their wages. A Committee which sat on the subject in 1844 reported that it was just that the men should receive, in some shape or other, re-payment of their contributions. The right hon. Gentleman (Sir Stafford Northcote), when President of the Board of Trade, had acknowledged that these poor men had a moral claim upon the Government. The scheme of a sort of naval infirmary at Greenwich Hospital for the benefit of the merchant service did not meet the views of the petitioners, who would rather take out their claims in tea, coffee, butchers' meat, and little comforts. It might be said that the State never refunded money; but the petitioners said that the Chancellor of the Exchequer ought to be just as willing to pay conscience money as they saw by the advertisements in *The Times* he was willing to receive it. They pointed to the precedent of the Indian officers, and though they had no spokesman in this House connected with their body, no clever lawyer who would advocate their cause, and no

funds with which to carry on agitation, he hoped that this very poverty and want of advocates would induce the House and the Government to lean to their side, and not at their age postpone the relief to which they were entitled.

MR. LIDDELL said, he thought there was no class to whose grievances the House would lend a more willing ear than our merchant seamen. If there were doubts—and there were doubts—surrounding the question, it would be better to give the seamen the benefit than allow them to feel that the House was unwilling to listen to their complaints. In the first instance, he had doubted whether they had a valid claim, but having given as much attention as he could to the subject, he had seen reason to modify that opinion. Looking to the Charter, it was to be remarked that the foundation of the Hospital was not simply an act of Royal munificence; it was a sagacious and deeply-laid scheme of policy, framed with a view to draw into the Royal Navy a constant and regular supply of seamen. The objects set forth were four in number. First, the relief of aged seamen of the Royal Navy and those disabled or maimed in that service; secondly, the sustentation of their widows; thirdly, the maintenance and education of the children of those who might be slain or disabled in the Royal service; and fourthly, the further relief and encouragement of seamen. The words in which this last object was set forth "further to provide for seamen," showed that, though a preferential claim existed in favour of seamen in the Royal Navy, yet that something else was contemplated in behalf of seamen generally. He thought, therefore, the claim now put forward was a valid one, provided all the claims of the Royal Navy were satisfied, and there were surplus funds out of which to meet it. In this position he was fortified by the highest authority—that of the present Controller of the Hospital Estates (Mr. Lethbridge). He said, when examined before the Royal Commission of 1860, that though seamen of the Royal Navy were the first objects of the charity, merchant seamen were not under all circumstances excluded. A Member of that Commission (Mr. Ingham) asked—

"If they register themselves they will be entitled to the benefits of the Hospital?"

To which Mr. Lethbridge's answer was—

"Provided there was room. I think it was held out to them as an encouragement to come in and register, that they should have the benefits of

the Hospital extended to them as far as the funds would go."

It was admitted, therefore, that the merchant service was entitled to share in the benefits of the Institution after the claims of the Royal Navy were exhausted, always supposing that a surplus remained. The Charter and the statutes clearly laid down the preferential claim of the Royal Navy, and in practice the Admiralty had always acted upon that principle. He did not suppose that there was a case in which a merchant seaman had been admitted as such, unless he had been disabled in fighting the Queen's enemies. The House must not suppose that because their direct claims had not been recognised they had not received extensive indirect advantages. More than half the boys in the upper school at Greenwich had been sons of merchant seamen, and they received an education costing £30 a year. An inquiry was made in 1835 by direction of Sir James Graham, and it appeared that of 2,500 pensioners then in the Hospital, 1,000 were men whose average service in the merchant navy was thirteen years, who had paid £4 4s. 6d. to the funds of the Hospital, in the shape of the monthly sixpences, and whose average residence in the Hospital had been eleven years. The average service of the pensioners in the Royal Navy was at that time sixteen years. In the face of these facts it was impossible to say the merchant service had not derived benefits. He was perfectly satisfied to leave the decision of the matter in the hands of the House, believing that it would exercise a fair and unbiassed judgment in the matter. He could not help complaining that the Correspondence on this subject between Sir James Graham, Lord Auckland, and Sir Richard Keates, in 1831 and 1834, which he had moved for a considerable time ago, had not yet been furnished. If it was produced now it would be of very little use, inasmuch as the purpose for which these papers were required would have passed away.

MR. INGHAM said, that seamen, when they had been some years in the merchant service, joined the Royal Navy. After a few years' service they became prematurely incapacitated, and then sought refuge in Greenwich Hospital. That was one argument adduced to show that the sixpence was not paid without consideration. The other was the chance of getting children into the schools. These arguments failed to satisfy the House that it was just to continue the payment of the

sixpence, and it was abolished. None were received in the school but the children of those in some way connected with the navy. As the compensatory benefits no longer existed those who paid the sixpence up to 1834 had paid it without consideration, and legally and morally they were entitled to some return.

MR. CHILDERS said, he wished, as he had the honour of introducing the Bill under which the Greenwich Hospital Fund was now administered, to remind the House of what took place in the debates which arose upon this subject. The question now raised by the hon. Member was introduced, the whole thing was gone into very carefully, and the House decided that there was no case whatever for this appeal. In the first place, inasmuch as the whole of the revenues of Greenwich were now appropriated, if this claim were allowed it must come as a distinct charge on the country. But on the merits of the claim itself—if it was true that in 1834 the sixpence a month which had been previously contributed by the merchant seamen was remitted, it was also true that the contribution made by the seamen of the Royal Navy was remitted likewise. If therefore the remission had produced effect in the one case as to the claims of the contributors upon Greenwich Hospital, it ought to have produced an effect in the other. As no one had contended that because the contribution made by the sailors of the Royal Navy was remitted they were therefore excluded from the benefits of the Greenwich Hospital, so, on the other hand, it could not be maintained that the seamen of the merchant service were deprived of any privilege to which they were entitled while they paid the sixpence a month. But the fact is that when the merchant seamen's sixpence was remitted in 1834, the main argument for the remission was that the merchant seamen had no claims and no possible interest in the Hospital. How, then, could the House be asked to compensate them for the loss of that in which they had no interest? In 1711 an Act was passed defining clearly the purposes to which Greenwich Hospital should be applied. It appeared from the Preamble of that Act that no seamen could be admitted to the Hospital except those who had served in the Royal Navy, or who had been wounded in action against an enemy. An Act was passed subsequently extending the benefit of that provision to persons wounded in action against

pirates. That right existed at present. Those who had served in the Royal Navy, having also served in the merchant service, were entitled just as much as they were before 1865 to the Greenwich out-pension and the benefits of the Hospital. He should be glad to do all he could for the benefit of the merchant service, but he certainly did not think the claim now made could be entertained.

MR. CORRY said, that so much had been said by his hon. Friends who had preceded him that they had left him little to say upon the subject. His hon. Friend the Member for Tynemouth (Mr. Trevelyan) stated that it was asserted by those whose interests he represented that the merchant seamen's contribution was instituted for the benefit of the merchant seamen. The fact was it was instituted not for their direct, but for their collateral benefit. He could not show that better than by reading an extract from a letter addressed by Sir Richard Keates, Governor of Greenwich Hospital, to Sir James Graham in 1831. Sir Richard Keates said—

"This assessment on merchant seamen was evidently not made with a view to their having any direct advantage from Greenwich Hospital in return, but rather upon the broad principle of protection and security afforded to the merchant shipping and commerce of the country by the navy, for whom the Hospital is provided. This fact is established by the preamble, and, indeed, the whole terms of each Act of Parliament relating thereto, wherein it is explicitly stated that the benefits of Greenwich Hospital shall be for seamen maimed, wounded, or worn-out in the King's service, and it is thus limited for the express purpose of giving encouragement to seamen voluntarily to enter themselves for that service."

But, though the contribution of the merchant seamen's sixpence was not established for their direct benefit, there could be no doubt that, even directly, they had derived benefit from the Hospital more than proportionate to the amount of their contributions. He held in his hand a letter from Lord Auckland, also addressed to Sir James Graham in 1834, as to the great benefit which merchant seamen received from the institution. Lord Auckland said—

"The merchant seaman contributes to the support of the Hospital, and is not as such, unless wounded in action with an enemy or pirate, entitled to admission; but one day of service under the King gives him a claim to all its benefits, and, in fact, the age, sickness, and decrepitude which find refuge in the Hospital are acquired in the merchant service in a much greater proportion than that service contributes to its support,

Out of a revenue of £140,000 the merchant seamen contributes £21,000, and of 2,710 men in the hospital upwards of 1,000 have served in the merchant service, averaging in it thirteen years each man, while in the school are 117 children, whose fathers have never served in the navy. It is false, therefore, to say that the merchant seamen receives no benefit from the hospital; but, even if it were so, the tax upon him (or, as it may be more properly stated, on his employer) may be justified as due for the protection which he receives from the King's navy during war, and his exclusion from the Hospital, unless after service in the navy, may be supported as an encouragement to him to enter the King's service, and as auxiliary to the wish which exists of connecting the two services and of finding substitutes for the severity of impressment."

If further proof was required that Greenwich Hospital was not looked upon as an institution established for the benefit of merchant seamen, it would be furnished by the Report of the Commissioners on Greenwich Hospital in 1860, from which it appears that special provision was made for the merchant service by an Act passed in 1747 for the express purpose of providing separately—

"For the relief and support of married and disabled seamen, and the widows and children of such as shall be killed, slain, or drowned in the merchant service."

It was clear, then, in the first place that the merchant seamen's sixpence was not levied for the benefit of the merchant seamen; and, in the next place, that if it were they had already derived more advantage than would be equivalent to the amount of their contributions. He would ask the House, therefore, not to consent to the claim put forward by his hon. Friend, although he could assure him that, if he thought it would be defended on any principle of justice, he would be the last person to oppose it.

MR. CANDLISH said, he did not think that any one who had addressed the House had alleged that the merchant seamen had any legal claim, because, if so, they would have a legal remedy without having recourse to Parliament. The claim was put forward upon equitable and moral grounds, and was one of substantial justice. A large sum of money had been compulsorily exacted from the merchant seamen without their having any further claim upon the fund which those exactions established. With regard to the 1,000 inmates of Greenwich Hospital in 1834, mentioned by the right hon. Gentleman (Mr. Corry) as having served in the merchant navy, it must be remembered that their admission was not in any way consequent on their having been in that

service, but on their having afterwards been in the Royal Navy. In his borough (Sunderland) there were about 400 disabled seamen, who in early life compulsorily contributed sixpence a month for a period varying from twelve to thirty years to this fund. They, though now in penury—about thirty of them being in the union workhouse—were not allowed to share in its benefits. There was no charge of maladministration. He admitted that according to the terms of the Charter, the object of which was evidently to induce merchant seamen to pass into the Royal Navy, the benefits of the fund might be restricted to the latter service. But that was a very insufficient ground for exacting contributions from them to a fund in which they had no legal claim to participate. He hoped the Government would consider whether some concession could not be made in favour of these disabled seamen, some of whom were verging on 100 years of age.

SALE OF LIQUORS ON SUNDAY BILL.

QUESTION.

SIR HENRY EDWARDS said, he would appeal to the hon. Member in charge of this Bill to postpone it till after Whitsuntide. Many Members were much interested in the measure, and it was likely to lead to a long debate. There was little probability of its coming on before half past ten, after which hour the hon. Gentleman had promised not to proceed with it.

MR. J. A. SMITH said, he was very anxious to take advantage of every opportunity of forwarding the Bill, especially considering the difficulty in which private Members were placed this Session; but he could not withstand the representations which had been made to him, and would postpone the measure to the 26th of June.

DISTRESS IN THE WEST OF IRELAND.

OBSERVATIONS.—QUESTION.

SIR JOHN GRAY said, he rose to call attention to the distress which, according to communications that had reached him, now prevailed in the Western portions of Mayo and Galway. The districts to which he referred extended from the town of Galway, along the Northern part of the bay, and the entire Connemara district, embracing all the islands and coast of Clew Bay as far as Westport and Newport, including the Arran Isles and the large island of Achill.

Mr. Corry

The peasantry of this district occupied very small portions of land of indifferent quality, and since he first put a Question to the Chief Secretary on the subject he had received further communications and had seen statements in the public press describing the lamentable condition of the people. In the Clifden Union, as well as in other localities, outdoor relief was refused, although a gentleman, who had visited the workhouse, found the ninety-nine beds occupied by 153 inmates. The normal condition of the peasantry of that portion of Ireland was remarkable. In the best of times they were not well off; they had no security for the continued occupancy of their farms, and, in the absence of leases and of compensation claims, no incentive to improvement. He held a document, signed by sixteen Roman Catholic clergymen of the district, in which they stated that the condition of the people required immediate relief. They felt themselves imperatively called upon, having examined the condition of the large population of the district, to call the attention of the Government to the imminent danger in which these people stood of dying by starvation. The distressed people experienced great difficulty in getting outdoor relief from the Poor Law authorities, and were told, when they asked for it, that the workhouse was open. That was the condition of the people in the central portion of the district. In another part the people were living principally upon nettles, gathered in the fields. He did not wish to indicate to the House that the local authorities were wilfully neglecting their duties; he merely wished to call attention to the facts as they stood. Great difficulty was experienced in getting outdoor relief; while if the people went to the workhouse their land would remain uncultivated, they would be unable to pay their rent, and would become confirmed paupers, and a permanent burden on the rates. A little timely relief would enable these people to continue a life of industry; but this relief was withheld, and in one parish (the Rev. Mr. Corway's) it appeared that a poor person walked fifteen miles to and from the house of the relieving officer, but could get no aid. He wished to know if no steps had hitherto been taken in the matter; whether the Government were prepared to take any steps to discharge that first duty of a Government by preventing the people from perishing of want in a land where

there was plenty? He would conclude by asking the Chief Secretary for Ireland, If the Poor Law Commissioners, or if he, as Chief Secretary for Ireland, received any communications as to the distress now said to prevail in the western portions of Mayo and Galway; and, if so, if his attention has been called to the difficulty experienced in inducing the local authorities to extend outdoor relief; or to the crowded state of the Clifden Union Workhouse; and, whether any steps have been taken to induce the local authorities to carry out the Poor Law Act in a spirit of generosity, or to prevent the evil consequences of their hesitating to do so?

LORD NAAS said, it had been his duty, in consequence of the representations made to the Government, to institute accurate inquiries into the condition of the people in the district in question. It was quite true that considerable pressure had existed this year among the poor inhabitants of the district, caused by the lateness and inclemency of the spring, and by the fact that some of the people had been obliged to give to their cattle a portion of that sustenance which they had expected to be able to retain for their own use. A careful inquiry had been made respecting the state of the districts included in the Westport Union and Connemara. In the Westport district the people possessed, during the winter, a considerably larger number of cattle than usual. Therefore, at the end of the long winter, they found themselves not only with a much diminished supply of food, but with a larger number of cattle. The Government had directed the intelligent Poor Law Inspector to make inquiry into the state of things. He had traversed both districts. A gunboat had been placed at his disposal, and he had thereby had the opportunity of visiting any part of the coast where his presence might be required. With regard to the Westport Union, a meeting had been held of the Roman Catholic clergy, at which resolutions were passed, which were forwarded to him and formed the foundation of the inquiry to which he referred. The Inspector found that the state of things in the Westport Union was, on the whole, satisfactory. The average rate levied in October last on the whole of the union amounted only to 1s. 9d. in the pound. In one electoral division of the union of Louisburgh it was only 1s. 2d., where a few years ago it was as high as 5s. In Oughterard it was 10d. In Kilmeenagh

it was 1*s.* 4*d.* On Clare Island it was 1*s.* 8*d.* In the electoral division of Westport itself, the only division in which it was high, it was about 3*s.* in the pound. Notwithstanding that the rate was struck in October, the sum of £800 was still standing to the credit of the Westport Union at the bank, so that there was no indication of such an amount of pressure on the rates as the resources of the district were unable to meet. The workhouse itself contained accommodation for nearly 1,000 persons. On the 25th of May this year it had only 204 inmates. On the same day in 1865 the number of inmates was 180; in 1866 the number was 165. There were therefore ample funds and sufficient workhouse accommodation at the disposal of the guardians. There was an indisposition on the part of a large portion of the population to enter the workhouse. It was the habit of the people to submit to considerable privation before they took advantage of the relief afforded by the poorhouse. The Boards of Guardians in Ireland possessed, however, very considerable powers in administering outdoor relief. The attendance both of the *ex officio* and elective guardians in this district was regular, and the general business of the union was well-conducted. It rested with the guardians to say whether they thought it necessary, under the circumstances, to take advantage of those provisions of the law which authorized the granting of outdoor relief. He did not think it would be either prudent or wise for the Government to interfere with the representatives of the ratepayers, who were responsible for the proper discharge of their duties. The duty of the Government was to throw upon the Poor Law Guardians of the district the responsibility which naturally belonged to them, and not to interfere with their administration of the law. Great evils might arise from any direct interposition on the part of the Government, who would thereby assume a responsibility which they would be unable to discharge. That could only be justified when all other means had completely and entirely failed, and when the guardians and local authorities had neglected to perform their duty. From the letters he had received, it appeared that some of the large proprietors were fully awake to the distress that existed, but which they believed to be temporary, and had given orders for a considerable amount of drainage works, which would

Lord Naas

afford employment to the people. The distress could be met in a much better way by means of these useful works than by any other means. He was afraid that in the Connemara district poverty prevailed to a greater degree than in any other part of the West of Ireland. Some weeks ago he had directed inquiry to be made, and he had received a Report from Dr. Brodie, the Poor Law Inspector, stating that there was some appearance of distress among a large portion of the population. In consequence of this state of things, the Government had consented to set on foot three or four works in connection with fishery piers, that could be undertaken under an existing Act of Parliament; but which, in the ordinary course of events, would not have been undertaken for one or two years. These works, he believed, would give a considerable amount of employment, and help to mitigate distress. With regard to the actual state of things in Connemara, he had learned, within the last few days, that the Poor Law Inspector had visited that district. That officer, accompanied by the medical Inspector of the district, went to some of the islands near the coast; and though they certainly found considerable poverty there, the impression left on their minds was that there were no symptoms of fever or those other diseases which were the invariable accompaniments of severe distress. The people of the islands they visited seemed to be about as well clothed as usual, though that might not, perhaps, be saying very much. In one of the islands there was a considerable number of cattle. The Inspector took care to visit every family on these islands where it was likely that any distress existed, and he pointed out to the relieving officer three or four cases which he thought demanded immediate attention. In one place, on the main land, the Law Life Assurance Company was found to be giving employment to some 300 men, while there was work laid out for many more, the wages offered being from 1*s.* to 1*s.* 6*d.* per day, which was considerably above the ordinary rate of wages of the country. Many persons, however, did not appear to have availed themselves of the employment thus offered to them, for the reason that they were mostly small holders of land, who were not in a position at the moment to engage in work, being occupied with the tillage of their own farms. By-and-by, when their home work was finished, they

would be able to do so. There had likewise been considerable preparations made for the manufacture of kelp. The Inspectors visited another part of the union, and found 200 men employed at the rate of 1s. 6d. a day. The Poor Law Inspector reported that the health of the people was good, and there were no symptoms of fever or dysentery in the district. Dr. Brodie visited the island of Innisboffin, where he found a considerable amount of poverty, but no actual privation. He found that exertions had been made by the proprietors to give employment to the people engaged in fishing, by agreeing to take all the large fish they caught off their hands, provided they took the payment partly in money and partly in meal. An English gentleman had also offered to purchase as many lobsters and shell-fish as could be caught. Dr. Brodie visited Ballinakill and Cuskilly, and in the latter he found there were 200 men employed at 1s. 6d. a day. On the same day Dr. Brodie met Mr. Robinson, the agent of the Law Life Assurance Company. That gentleman assured him that care would be taken to keep drainage and other works going, so as to employ all the people who resided on that company's estates. A very large supply of Indian meal had been imported into Galway, and twenty-five tons of that article were sent to Clifden two or three days ago in the ordinary course of trade. There were only 194 persons in the workhouse of that town, while there was accommodation for 800 or 1,000. There had been some complaints of an insufficiency of bedding in the workhouse of Clifden. He found, from a telegram received that day from the Poor Law Commissioners, that a considerable quantity of articles for bedding had been ordered from Dublin. He thought he had said enough to show that, as far as they could judge, the Poor Law authorities, the proprietors, and the great majority of the persons to whom they could look for the relief of that temporary distress were now doing much for that purpose. The Government felt that it would be overstepping the bounds of its duty if it held out to the inhabitants of those districts that it was its intention to provide for their support. The Government would continue to remind the persons connected with the locality of their duty in that matter. The House would be of opinion that the Government was taking a dangerous course if it created the impression

that it would undertake duties which could only, with safety, be performed by the Poor Law authorities and the proprietors of the district.

MR. BRADY said, he felt disappointed at the speech of the noble Lord who had just addressed the House, because he had expected to hear that the Government were about to do something to relieve the distress. The noble Lord said there had been a large importation of Indian meal into Galway; but he did not tell the House how the people, who were now starving, were to acquire means for the purchase of that meal. It was very well to say that the proprietors would buy all the fish that was caught; but the poor people along the coast were wretchedly provided with boats, and of course it was impossible they could extemporise boats for this occasion. The noble Lord said the state of the people's health was satisfactory, and that fever and dysentery had not made their appearance; but neither disease made its appearance in the first stages of privations. If the extreme poverty which existed was allowed to continue and increase, fever and dysentery would soon make their appearance. He trusted that although the noble Lord did not think it the duty of Government to support the people, he would effectively remonstrate with the Boards of Guardians upon the necessity for a faithful discharge of their duties.

SUPPLY—ARMY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) £3,722,700, to complete the sum for General Staff and Regimental Pay, Allowances, and Charges.

(2.) £890,000, to complete the sum for Commissariat Establishment, &c.

(3.) £420,000, to complete the sum for Clothing Establishments, &c.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £446,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of the Barrack Establishment, Services, and Supplies, which will come in course of payment from the 1st day of April 1867 to the 31st day of March 1868, inclusive.

MR. ALDERMAN LUSK said, he objected to an item for the cleansing of cesspools, as, by a little ingenuity and trouble, the

expense might have been saved. In this Vote it was proposed to grant £2,000 for the purchase of billiard tables, and to this Vote he entirely objected. If the officers' pay was insufficient—and he confessed that he thought it was a miserable pittance—by all means let it be increased. But he objected to the British taxpayers being called upon to provide them with billiard tables; and if the answer of the Government was not satisfactory, he should move that this sum of £2,000 be omitted from the Vote.

SIR JOHN PAKINGTON said, the mantle of the late hon. Member for Lambeth (Mr. Williams) appeared to have fallen upon the hon. Gentleman who had just sat down, though he did not mean by that to complain of the manner in which he criticized the Estimates. The hon. Gentleman first alluded to the cost of the cesspools; but surely he would allow that it was most necessary for public health that these cesspools should be constructed. As regarded billiard tables the House last night decided to grant a sum of £3,000 towards the construction of billiard-rooms, and he hoped that they would not now refuse to grant £2,000 towards the purchase of the tables to furnish those rooms with. It was perfectly true—indeed, no one seemed disposed to deny—that the pay of officers in the army was quite insufficient, and greatly below what their position required. Were it not for the high spirit which animated those who entered the army, it could not be officered on the terms that it now was. The gentlemen who thus served their country were not only poorly paid, but they were subjected to the influence of all kinds of climates. They, therefore, well merited the best consideration that could be shown to them in the shape of providing harmless amusements which would help to lighten their lot, and reconcile them to tedious and onerous duties. Large sums had already been expended with the view of ameliorating the condition of the soldier by providing the means of innocent recreation. All that was now proposed was to do something similar for the officers. Under these circumstances he hoped the hon. Member would not press his Motion, or if he did, that the House would not agree to it.

MR. OTWAY said, he had heard some prophecies with regard to the length of time which the present Government would remain in power. He was satisfied that

Mr. Alderman Lusk

whenever they did get into a scrape, it would arise from the increases they were making in the Estimates. Both the Army and Navy Estimates of this year exhibited a great increase. He believed that officers would repudiate the representation that the supply of billiard tables would constitute an inducement for men to enter the army. The adoption of the item would place the officers of the army in an invidious position. The matter was not of great importance in itself, whether the billiard tables were purchased by the Government or by the officers themselves; but it involved a principle of some magnitude—namely, the introduction of an entirely new expense into the Estimates. These were unquestionably large enough at present. He saw no reason why the public should now be made to pay for billiard tables, seeing that the officers had for many years provided them at their own expense. If the principle were once recognised where were they to stop? Might not arguments as good be advanced for making the country pay for cricket, croquet, or any other popular game? He hoped his hon. Friend would persevere with his Motion. If the Government succeeded in passing the Vote the question of its rejection would be raised year by year, and the matter would create considerable discussion out of doors.

COLONEL NORTH said, he hoped the Government would persevere with the Vote. Although officers had billiard tables of their own in their own quarters, they could not carry them about everywhere they were sent. It was far preferable that they should have them provided in their barracks, than that they should be compelled to obtain the amusement they required at the public billiard-rooms. It would prevent young officers from going to the common billiard tables and there meeting blackguards and low characters, such as were to be found at Portsmouth, Plymouth, and the like towns.

MR. ALDERMAN SALOMONS concurred in thinking it desirable to induce officers not to frequent common billiard-rooms. On that account he voted last night in support of the item for barrack billiard-rooms. But it did not follow that Parliament should also furnish the rooms with billiard tables.

MR. MONK said, he thought that if £2,000 were all that was required, there was no necessity for dividing the House. If it was a Vote requiring to be annually

supplemented, it would require to be carefully considered.

MR. CHILDERS said, that the matter should be argued upon its own merits, and that the smallness of the officers' pay should not be made an argument for agreeing to the Vote. If the army was really underpaid, the question should be properly debated, but this could be no justification for purchasing billiard tables. He would like to know from the right hon. Baronet whether the regulations applicable to the repair and maintenance of barrack furniture would be applied in the case of these billiard tables, supposing they were granted. If these rules were applied to the tables, he should not object to the Vote. Otherwise he would suggest that the Government should withdraw it for this year.

SIR JOHN PAKINGTON said, that when he had incidentally mentioned that the pay of officers in the British army was inadequate, he never intended to found any serious argument upon it. He had merely employed it as an illustration to show that the officers were eminently deserving of the indulgence proposed to be given to them by the Government. With regard to the other portion of the remarks of the hon. Gentleman who had last spoken, he apprehended that Parliament having agreed to build billiard-rooms if it sanctioned the procuring of these billiard tables, they would necessarily become part and parcel of ordinary barrack furniture, and would come under the regulations applied to such furniture. The tables would remain at the stations where they were placed, and when a regiment left for new quarters they would be charged a fair sum for any damage that might be done to the tables during the time they had used them.

SIR ANDREW AGNEW said, he should support the Vote. He was sure the War Department would not be extravagant in providing amusement for the officers of the British Army. He hoped the right hon. Gentleman would turn his attention to the question of retaining as few regiments in camp during the winter months as possible.

MR. ALDERMAN LUSK said, it was very well to talk of this as a small sum. This was only the beginning of a system which they would never hear the last of, and which would bring discredit on the army itself. He moved the reduction of the Vote by £2,000—the sum proposed for the furniture of the billiard-rooms.

SIR MATTHEW RIDLEY said, he

thought it would be rather invidious to withdraw this item to provide for the recreation and amusement of officers, when so much had been done in the shape of recreation rooms and grounds for the soldier.

MR. CHILDERS said, if it were the fact that the provision and repair of billiard tables came within the rules applicable to barrack furniture, he should no longer oppose the voting of the sum asked for that purpose.

MR. OTWAY said, he was not disposed to vote against the grant of £2,000 for the purpose specified. But if this expenditure was to go on, and the large sum of £60,000 was to be drawn upon in future years, he thought the sense of the Committee should be taken on the Vote.

SIR JOHN PAKINGTON said, that £2,000 would purchase about twenty-two billiard-tables. That number would not go far among the British Army. He did not know whether it would be necessary to repeat the Vote next year. In all probability it would be in a diminished form. He might remind the Committee that these were not his Estimates. They were drawn up by his right hon. and gallant Friend (General Peel).

MR. MONK said, he had heard quite enough from the right hon. Baronet to induce him to vote with the hon. Alderman.

Motion made, and Question put,

“That the Item of £2,000, for the Furniture for Billiard Rooms, be omitted from the proposed Vote.”—(Mr. Lusk.)

The Committee *divided*:—Ayes 12; Noes 72: Majority 60.

Original Question put, and *agreed to*.

(5.) £28,000, to complete the sum for Divine Service.

(6.) £14,000, to complete the sum for Administration of Martial Law.

SIR CHARLES RUSSELL said, he wished to call the attention of the Secretary for War to the fact that repeated applications had been made for a Vote for the erection of a military prison at Aldershot, but without any result.

SIR JOHN PAKINGTON said, the suggestion was natural, and he would consider it before next year.

Vote *agreed to*.

(7.) £195,600, to complete the sum for Hospital Establishment, &c.

MR. CHILDERS said, he wished to ask

why there had been such a large increase last year in the number of staff surgeons?

SIR JOHN PAKINGTON said, he would inquire into the matter.

MR. OTWAY said, he wished to ask the right hon. Baronet, whether his attention had been called to a new ambulance waggon which was very highly spoken of by competent judges? The correspondent of *The Times* at the Paris Exhibition, a gentleman well qualified to express an opinion on the subject, stated that the English show of ambulance requisites was a poor one.

SIR JOHN PAKINGTON said, he had not seen the ambulance waggon to which the hon. Gentleman referred, but he would give his attention to the matter.

LORD ELCHO said, that photographs of the new ambulance waggon were published in Colonel Reilly's Report.

Vote agreed to.

(8.) £561,600, to complete the sum for Disembodied Militia.

COLONEL H. H. FANE said, he wished to asked the Secretary of State for War, whether his attention had been called to the defenceless state of the Militia store-houses, and of the large quantity of arms in possession of that force, arising chiefly from so small a proportion of the permanent staff being resident within the said stores in many instances; and whether, if his attention had been so called, he proposed to call upon the county authorities to provide increased accommodation for a larger number of non-commissioned officers and men?

SIR JOHN PAKINGTON said, that after the occurrence at Chester, the Government had sent an Engineer officer to visit all the Militia establishments throughout the country, and to report on their condition. The inquiry had not yet concluded, but reports had been received from a number of Militia establishments. In several of those places, though the state of the defences was not what it ought to be, it could be remedied at a small expense. But that was not the only question. He was sorry to say there was a larger and more difficult question to be considered—namely, whether the different Militia establishments ought not to be so arranged as to accommodate a larger staff than they could now accommodate. The difficulty in the matter arose from the fact that the Government had not power, under the Militia Act, to oblige counties to provide the necessary accommodation for the Militia Staff. The

Mr. Childers

powers under the Act were only permissive. The question was one which must be considered. He hoped means might be found of providing for the Militia Staffs that accommodation which they ought to have.

MR. NEVILLE - GRENVILLE said, that if the Government thought the Militia establishments ought to be better defended, there should be a National Vote for the purpose. The expense ought not to be thrown on the counties.

COLONEL WILSON PATTEN said, he wished to call the attention of his right hon. Friend the Secretary of State, and of the Committee, to improvements which he thought might be introduced into the Militia service. During the past week there had been a meeting of Militia officers, and they had called the attention of his right hon. Friend to alterations which, in their opinion, would increase the efficiency of the service. One of the great defects of the present system was the deficiency of officers, and there were many circumstances which rendered it extremely difficult to obtain subalterns. The Militia had to compete with the Volunteers. The latter service enabled officers to dispose of their time more freely than they could do in the Militia. It was no wonder, therefore, that many officers preferred to enrol themselves in the Volunteer corps. The officers of the Militia were obliged to attend one month in every year at the headquarters of their regiments to be billeted in inns and public-houses, and to lead a life not altogether agreeable to gentlemen holding their social position. At the same time there was a feeling in favour of the service. He wished to suggest that some little alteration should be made in the allowances to officers, in order to enable them to accommodate themselves at the headquarters of their regiments in a more convenient manner than they could at present. In his own regiment, the wealthier officers had contributed large sums for establishing a system of barracks; but if any officers could not afford to pay for barrack accommodation, they were billeted in inns and public-houses, and put to serious inconvenience. He believed it was the unanimous opinion of the officers of the Militia that a very slight amount of additional accommodation would materially improve that branch of the service. If his right hon. Friend would consent to give a moderate allowance to officers instead of billeting them, the reluctance which now existed to entering the force

would in all probability cease. There was another point he wished to submit to the Committee. Since the Militia was embodied many officers had changed their residence, although they still remained attached to their old county Militia, the consequence being that they had to go great distances in order to perform their duties. He thought that the travelling expenses of officers might with great propriety be increased, and that they ought to be paid their railway fares from their *bonâ fide* residences to the head-quarters of their respective regiments and back again. There was another point to which the attention of his right hon. Friend had already been directed, relative to the obtaining of greater efficiency in the Staff of Militia regiments by inducing non-commissioned officers, more active than pensioners, to join the service. At the present time the great body of the Staffs of Militia was formed of pensioners who had seen twenty years' service. Although they did their duty admirably, there was no denying that it was a great detriment to the service that younger men were not obtained. It was thought that if a system of pensions to the Staff were established younger soldiers and men of greater activity would be induced to join the service. The system of billeting the Militia in towns was creating a considerable sensation in various parts of the country. The billeting of his own regiment had been productive of considerable inconvenience. The corporate body of the town in which it was quartered had suggested to the right hon. Gentleman that the inconvenience might be remedied by the establishment of barracks for the regiment. He trusted that the right hon. Gentleman would take these various matters into consideration.

SIR JOHN PAKINGTON said, he attached great weight to the opinion of his hon. and gallant Friend upon this subject, because he was an officer of great experience. He had had the pleasure of receiving a few days ago, and again to-day, very influential deputations of officers commanding Militia regiments. The present great deficiency in the number of Militia officers was an important matter. Owing to various causes, Militia regiments were very short of officers, and he believed nowhere more so than in the county (Lancaster) with which his hon. and gallant Friend was connected. There were few matters to which he attached more import-

ance than the maintenance of our national Militia. He was most desirous to do everything he could to increase the efficiency of that ancient, constitutional, and most valuable force, which was our best Army of Reserve. He could therefore assure his hon. and gallant Friend that he would take into his most serious and most favourable consideration the points which had been urged upon his attention. The Estimates being already prepared, he was afraid he could do nothing at present. He could, without hesitation, promise that he would do everything that was fairly in his power to induce gentlemen of respectability to become officers in our national Militia.

Vote agreed to.

(9.) £60,000, to complete the sum for Yeomanry Cavalry.

(10.) £241,000, to complete the sum for Volunteer Corps.

LORD ELCHO said, he wished to refer to a Return he moved for in the early part of the Session, which was headed "Volunteer Capitation Grant." That Return was the Report of a Committee of Volunteer officers to the Secretary of State for War. Some years ago it fell to his lot to bring before the House the position of the Volunteer force, which, when first started, was almost self-supporting. The Government, it was true, gave some slight assistance in the form of drill-sergeants and adjutants, but still in the main it was a self-supporting body. Subsequently it appeared that although a large number of men were willing to serve as Volunteers, still the expenses bore so hardly upon them that unless some State assistance were given the force would probably dwindle away. The result of his bringing the matter before the House was that a Royal Commission was appointed, under the presidency of the late Speaker of the House of Commons, the present Lord Eversley. That Commission reported in favour of a Parliamentary grant of money to be paid, not to the Volunteers, but for the use of the regiments, at the rate of so much per head. Having had the honour to form one of that Commission, he might state that the feeling by which they were animated was that the Volunteers should cost the country as little as possible. Accordingly they recommended that the capitation grant should be fixed at £1 per head. That was in 1863. Since then the Volunteer force, instead of falling off, had

steadily increased. There was an increase in the Estimate as compared with last year, and that of last year showed an advance upon the preceding year. An increase in the Estimate indicated an increase in the number of Volunteers, and also an increase of efficiency. The Vote was increased by the augmentation of the capitation grant, for Volunteers made efficient, and by the augmentation of the sum paid in extra 10s. grants for efficiency in shooting and other acquirements. The Report upon any great review of Volunteers showed that in the opinion of those who made the inspection the Volunteers were increasing in efficiency. Probably the last official Report published was the most favourable of all. Recently letters had been received from Volunteer officers in different parts of the country, stating that the capitation grant was not sufficient to meet the expenses of the corps, and that unless some further Parliamentary aid was given the probability was that the forces would diminish in numbers, as the capitation was fixed at a sum less than was required to maintain them in efficiency. The subject was brought before a meeting of metropolitan officers, held at the offices of the National Rifle Association, and the following Resolution was adopted:—

“That, in the opinion of the meeting, it is desirable that a deputation should wait on the Secretary of State for War to draw his attention to the fact that the necessary expenses of Volunteer corps are not at present covered by the Parliamentary grant, which has to be largely supplemented by subscriptions of officers and men, and to state at the same time that a strong feeling is believed to pervade the Volunteer force that those who freely and without pay give their service to the State should be relieved from the necessity of such personal expenditure.”

The meeting was attended by thirty-six metropolitan officers, and the committee took such steps as appeared to be necessary for bringing the matter before the Secretary of State for War. It appeared, however, desirable to apply a test which could leave no doubt as to the necessity of further State assistance being given. Therefore a circular letter was addressed, through the medium of the National Rifle Association, to all the commanders of corps in the country. There were sent out 1,260 circulars, which asked for immediate replies to the question whether the resolution read was concurred in or not? There had been received 655 replies, and only twenty-one expressed a qualified dissent. All the

Lord Elcho

rest declared the necessity for further assistance, and suggested various ways in which it should be given. The great majority of the replies were in favour of an additional capitation grant, to be expended at the discretion of the commanding officers. The numbers of the committee were then increased by the addition of such Volunteer officers as were in town and as could be got to attend. They proceeded to consider the replies they had received. They were unanimous in the recommendation that the addition to the capitation grant should be £1 for efficient. The committee included the Dukes of Sutherland and St. Albans, Earls Spencer and Vane, the Earls of Denbigh, Airlie, Durham, and Londesborough; Viscount Hardinge, Lords Wharnccliffe and Suffield; and the following Members of Parliament:—Sir John Simeon, Colonels North, Hastings Russell, Knight, Morrison, Akroyd, Croland, and Fordyce, Majors Vivian and Dillwyn, Captains Bass, Young, and Malcolm, and Sir Hedworth Williamson. In their Report the committee said—

“The experience of eight years has, however, conclusively shown the insufficiency of the grant, and the consequent heavy personal expenditure entailed on the Volunteers. One captain, in a private letter to the chairman, states that his company has cost him £500, and it is confidently believed that there are very many instances of similar, and, indeed, much larger sums, being expended by officers in support of their corps. The expenditure that is generally entailed upon officers renders it difficult to find men willing to accept commissions. The choice is thus limited, and, unless an additional grant is made, there is in many cases immediate danger of a collapse of a portion of the force. Assuming, then, the facts as stated to be true, the question is, what should be the amount of the additional grant? It appears to the committee that an additional sum of £1 for efficient, retaining the present 10s. for extra efficiency, would suffice; and they would venture to urge that such increased grant should, if possible, be proposed in the current year.”

If it were thought desirable that the prescribed number of nine drills for efficiency should be increased to twelve, that increase would be gladly assented to by the Volunteer force. One point he wished to press was, that the additional grant, when earned, should be expended at the discretion of the commanding officer, and that he should not be tied down as to the manner of its disbursement. The money was given to promote the efficiency of the regiment, and it was to be assumed that the commanding officer would spend the money in the way most likely to attain that

efficiency. On this point and another the Committee in their Report said—

“With regard to the money grant, its expenditure, when earned, should be at the discretion of the commanding officer. Its payment should not, it is thought, be kept back, as at present until all the money earned in the previous year has been expended; and it is further the opinion of the Committee that the capitation grant should be paid to the credit of the corps as soon as possible after it has been earned. At present, in all cases a period of not less than six months is allowed to elapse before the money for the past year is received, and in many cases this period extends to twelve months.”

It seemed to them only just and right that as soon as the money had been earned it should be paid. Sometimes the corps were out of pocket for as long a period as eighteen months. The days were passed when it was necessary to make a speech in favour of the Volunteer movement. The Government relied on the Volunteer force as a means of national defence, and their calculations and Estimates were based on the fact that there was a force of 180,000 Volunteers. As he believed the proposed increase to be a moderate one, he hoped that his right hon. Friend the Secretary of State for War would take it into his favourable consideration. One unfavourable reply had been received from him. The substance of it was that he had received and considered the Report of the Volunteer officers, and that it was too late to comply with its recommendation this year. It was important, if possible, to give at least a portion of the recommended increase this year. Since the Report was made letters had been received by other officers and himself, urging them to press the matter on the Secretary of State for War, and stating that much depended upon an addition being made to the grant in the present year. Several Members of Parliament had spoken to him, and had said, “I hope when the Estimate comes on you will say something urging the Secretary of State for War to do something for us this year.” Although the reply already received was unfavourable, it held out a hope that the subject would be considered next year. He trusted it would receive favourable consideration at the earliest possible opportunity.

COLONEL C. H. LINDSAY said, he could endorse all that had fallen from the noble Lord. The Report read embodied the almost unanimous opinion of the Volunteer service of the country. The question was of such vital importance to

the service, that he hoped the Secretary for War would at once promise to propose the increased capitation grant in the Estimates for next year. Throughout the country it was felt that the force could not be maintained without an additional grant to meet its expenses. He commanded one of the metropolitan corps, the St. George's Rifles, which was one of the well-to-do regiments, being entirely composed of first-class tradesmen of the West End. The result, as regarded the capitation grant in his case, was that in 1863-4 the expenses were £787 10*d.*; the capitation grant £484. In 1864-5 the expenses were £936; the capitation grant £486. In 1865-6 the expenses were £1,020; the capitation grant £495. The result in the three years was that the expenses were £2,742, and the grant £1,465, so that the excess of expenditure had been £1,278. Yet there had been no lavish expenditure in the corps. Nothing had been spent beyond what they were obliged to spend. How was it possible then to carry on a Volunteer corps, under these circumstances, without an additional grant from the Government? The pressure was harder upon country than upon metropolitan corps. He deprecated the delay which now took place in paying the grant, and the frequent disallowance of items. A great deal of trouble was given, for every voucher had to be looked over and checked. Whenever there was any item which had reference to the band or to shooting—two requisites in reference to the Volunteer force—such items were invariably disallowed. Although they could not hope to have any additional assistance from the Government this year, he hoped that the Secretary for War would consider the matter in reference to it next year. The expenses of bands—without which the Volunteers would have no musters—and the expenses attendant on rifle shooting pressed severely on the various corps. Since the capitation grant, the honorary members, who used to subscribe to his corps, had naturally withdrawn their subscriptions, so that the corps was really a loser by the grant. In asking for an additional grant he did not consider that he asked for any favour. The Volunteer force was a great national institution, and if it was to be maintained in its present efficiency he was justified in asking for further support almost as a right.

SIR HARRY VERNEY said, that the House ought to feel somewhat ashamed to

find that Volunteer officers were obliged to make these appeals. The Volunteer force had done more to insure the safety of the country than any measure which had been adopted in England for many years past. The Government should grudge no assistance to those who had given time and money to support it, and who, like the noble Lord (Lord Elcho), had shown the most gallant perseverance in carrying the movement forward and making it popular. He had heard much said about the quantity of Returns required by the Government from Volunteer officers. As their time was valuable it was not desirable that more trouble should be given to them than was necessary. The proposal that Government should give £1 extra for efficient was an extremely moderate one. He felt satisfied the House would willingly give more if it were necessary. He also hoped that the delay complained of in supplying the money would be remedied. In reference to Volunteer reviews, they were to a great extent conducted by regular officers. What they wanted to render the Volunteer movement really efficient was, that there should be a Volunteer Staff to do all the duties that the ordinary Staff now performed. That, of course, could not be done without incurring some expense; but he hoped that the right hon. Gentleman would take this subject also into consideration. The Volunteer force should be complete in itself; but it could not be considered complete unless this branch of the service was added to it.

MR. SIMONDS said, that as the commander of a provincial corps, he could corroborate what had been said as to the falling off in the subscriptions of honorary members since the capitation grant was made, and also as to the difficulty in getting money from the War Office, and the round-about way of getting it. They had to produce receipts for the whole expenditure before they could get any portion of the allowance. He suggested that the Government should contribute something towards the expenses of camping out, which he was assured on high authority was a most valuable training for the Volunteers.

MR. RUSSELL GURNEY said, that the Volunteer Engineers had considerable expenses beyond those which other Volunteers incurred. If their efficiency was to be maintained it was necessary that some extra grant should be made in their favour.

MR. SERJEANT GASELEE said, that the Volunteer force ought to remain a Volun-

teer force. If the expenditure on their account went on increasing in this way, they would become by-and-by more expensive than the regular army. Everybody put his hand in his pocket for the Volunteers. It was not only the officers, but everybody else, and especially the railway companies, by carrying the men at cheap rates, who contributed to the Volunteer force. They were, no doubt, a very useful corps; but if the Vote for them went on increasing as it had done, the country would begin to consider whether it would not be advisable to have a certain number of regular troops instead of the Volunteers. The hon. Baronet (Sir Harry Verney) said the Volunteers ought to have a Staff, which would make them a little army in themselves. He differed entirely from the hon. Baronet. Some of the Volunteers received a return for their services to the country. Local tradesmen were highly honoured by being members of a Volunteer corps. One was a captain and another was a colonel, and thus distinction was obtained for what they gave to the country. All the credit of the Volunteers was given to them in anticipation of what they might do in the time of danger, but he would advise them not to raise the feeling of the country against them on a matter of expense.

MR. DARBY GRIFFITH said, that the system of getting as much as possible from private persons in support of the Volunteer force was a system of riding the willing horse to death, and was no less ungenerous than unjust. Originally persons were willing to contribute sums to their local Volunteer corps in the way of capital. But, however liberal they had been in the first instance, they had by no means intended the corps to be an annual charge upon them. It had been always expected that as soon as the country had shown its appreciation of the idea of establishing such a force, and had firmly established it on the Volunteer principle, the Government should step in and consolidate and support it. If invasion were apprehended, the first force called on would be the Volunteers. Such was their efficiency, and the readiness with which they could be mustered, that they would be under command in less time than the Militia. Yet the Government grant was notoriously inadequate. To endeavour to secure a force of 150,000 at the price of 5,000 of the regular army had an aspect of meanness, and the injudicious economy

Sir Harry Verney

practised tended to weaken the efficiency of the Volunteers. Would any one say that 5,000 regular troops would be equal to 150,000 or 180,000 disciplined Volunteers in case of an attempted invasion? If the Volunteer force did not exist, the country would require the Government to increase the number of regular troops in the country. Therefore it would be good economy to attend to the representations which had been made in favour of an increase in the allowance to the Volunteers. He knew of many cases where able officers of small means had been obliged to resign their positions simply because they were unable to afford the expensive luxury of being Volunteer officers.

MR. COWEN said, that to keep the Volunteer force together there should be some further grant, and that the Secretary for War should take steps to have it paid without making the officers wait so long for it. In his own instance, such was the delay and trouble that he had found it best to give a cheque for the amount, and then wait patiently until he could get repayment from the Government. If the Volunteer force was to be kept efficient, something more must be done by the Government. He could bear testimony to the readiness with which private persons contributed to the establishment of Volunteer corps at the beginning; but it was in the belief that they would not be called upon to contribute to their maintenance. The country had now an efficient Volunteer force, and if they wanted to keep it together, there should be some further grant by Parliament.

SIR JOHN PAKINGTON said, he entirely agreed with the noble Lord (Lord Elcho) that it was no longer necessary to make a speech in praise of the Volunteer force, so that his silence in this respect must not be construed into a want of appreciation of a movement which had excited the wonder and admiration of Europe. The memorial which had been introduced by his noble Friend, who had done so much for the Volunteer force, was of a most important character, and deserved the earnest attention of the Government. This it should receive. He hoped he should not be misunderstood when he said that some caution was necessary in the matter for fear the force should lose something of its voluntary character. It should be remembered that the movement was commenced strictly on the volunteer principle.

Every Volunteer supplied his own uniform and accoutrements, and to some extent his own arms. It seemed to be only in accordance with the spirit of the country that the force should be maintained by those who joined it. We had now—and long might we retain it—a very powerful Volunteer army, which, counting the whole number enrolled, amounted to 180,000 men. But instead of being, as it was at the commencement, supported strictly on Volunteer principles, it was an army which cost the country, by Vote of the House, £360,000 a year. In addition to this, his hon. and gallant Friend behind him had told the Committee that there were other disbursements falling upon officers with money at their disposal and public spirit to apply it to the requirements of the service. His noble Friend argued, and with great force, that even this grant of £360,000 a year from the national funds was inadequate to maintain the movement at the desired state of efficiency, and he proposed certain additions to the capitation grant. What would be the result in money of those proposals? He believed, and his noble Friend would correct him if his estimate was erroneous, that those proposals could not be carried out at a less cost than £160,000 a year, which would make the total contribution by the State towards the support of the Volunteer force upwards of £500,000 annually. He was by no means prepared to say that this might not be £500,000 well spent. But he was sure his noble Friend would agree that it was impossible for him, as head of the Military Department, to give a promise involving the sanction of such additional expenditure without consulting the other Members of the Government. He said it with regret, but he was obliged to say decidedly, that under all the circumstances of the present moment he should not feel justified in holding out any hope that additional grants could be given for the current year. But before the Estimates for another year were framed, he would consult the other Members of the Government upon the subject, would take the opinion of his Colleagues, and consider with them how far the nature and character of this movement were such as to make it their duty to consent to this additional expenditure. He must guard himself carefully against the supposition that he undervalued or in the slightest degree failed to appreciate the loyalty and spirit of the Volunteer force. But he could

not concur with one expression used by his noble Friend, that it was the main resource to which we must trust for the defence of the country. He could not, for a moment, put aside the value of our old Constitutional force, the Militia. The statement of his noble Friend as to the long arrears in the payment of the capitation grant he had heard with regret and with some difficulty in understanding exactly what was meant. It was not creditable to those charged with the management of the fund, it was not creditable to the country, that such complaints should be made with any reasonable grounds. In consequence of questions having more than once been put in the House upon this subject, he had sent for one of the leading officials in the Financial Department of the War Office to know what the facts really were. It was essential to the character of the Government to clear up the matter and to leave no just cause of complaint. The information he then received was not altogether consistent with the statement made by the noble Lord. It was to this effect—Capitation payments were not made until they were demanded by the responsible officers entitled to ask for them. In accordance with the practice of every well-regulated department, investigation took place as soon as the demand for money was made, and before it was paid, with the object of ascertaining the exact state of the accounts, and the balance remaining in the hands of those who were to apply the money. Nobody, he felt sure, could take exception to inquiries such as those, and beyond the time necessary to obtain this information no delay took place, and no delay ought to take place. His noble Friend had alluded to one important paragraph in the memorial in which it was desired by the officers of the Volunteer force that the amount of this capitation grant should be intrusted to the battalion officers, and should be at their exclusive disposal. A proposal of this nature was at present under the consideration of the War Office. Though no final decision had yet been come to, he was disposed to think that a good deal of difficulty and delay would be got rid of by acceding to the suggestion, and by placing the money in the hands of the various commanding officers to be disposed of at their discretion and on their responsibility. At present he would not commit himself to any actual promise on the point, but he was not without hope that it might prove

feasible to meet the wishes of the Volunteer officers, and that without delay.

LORD ELCHO said, there were one or two points upon which he wished to say a word before the Vote passed. His right hon. Friend had talked about the force losing its voluntary character. No doubt his right hon. Friend had rightly said that at first it was imagined that the force might be maintained by voluntary subscriptions, and the hon. and learned Serjeant had stated that everybody was in the habit of putting his hand in his pocket to support the movement. But "everybody" meant very few people indeed, who were getting "small by degrees and beautifully less." The real facts of the case were these:—A certain number of men had taken upon themselves the duty of serving their country, which every Englishman was bound to do. Some put their hands in their pockets to assist them. The men themselves came forward and gave their time and services ungrudgingly. So much for that point. The next point to which he wished to refer was this. His right hon. Friend had said that he had held up the Volunteers as the force upon which the country must especially rely for its defence. If he had said so he certainly did not mean it, nor should a word fall from him derogatory to the Militia. He looked upon the Militia as the backbone of our defence. What he meant was that we had this Volunteer force of 180,000 men. But if we had them not, could we, considering the great armies maintained abroad, be satisfied with 90,000 Militiamen as the whole force, *plus* the regular army in the country, for the defence of England, Scotland, and Ireland? He thought the answer of his right hon. Friend would be "No." Therefore the right hon. Baronet did rely, in a great degree, on the Volunteer force. It was because of that force that we could do with a regular army so small and with a Militia of only 90,000 men. He wished that the position the Volunteer force took up in this matter should be distinctly understood. They did not ask this grant as a favour or as a right. The ground upon which they came forward was this:—The force existed. It was sanctioned. It had increased in numbers and efficiency. A Committee, the names of whose members were a guarantee of their fitness, had gone searching into the question, and had deliberately formed the opinion that unless this grant were given we could not hope to maintain the

Sir John Pakington

Volunteer force at its present amount. They did not ask it as a right or a favour. They simply thought it their duty to lay the matter before the House of Commons. It was for the House of Commons to consider whether, as a commercial undertaking, it was worth their while to maintain the Volunteers as a part of the defence of the country.

Vote agreed to.

(11.) £32,000, to complete the sum for Enrolled Pensioners and Army Reserve Force.

SIR JOHN PAKINGTON said, he took that opportunity to answer a question which had been put to him last night, which he was then not able to answer, with reference to the proportion of officers that passed the Staff College, and who received Staff appointments. He was now able to say that, out of 111 officers who had passed the College, 71 had received Staff appointments.

Vote agreed to.

House resumed.

Resolutions to be reported upon *Thursday* next; Committee to sit again upon *Thursday* next.

BANKRUPTCY ACTS REPEAL (re-committed) BILL.—[BILL 133.]

(Mr. Attorney General, Mr. Secretary Walpole,
Mr. Solicitor General.)

COMMITTEE.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [4th June], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate resumed.

MR. AYRTON said; that when this subject was last under the consideration of the House, he felt it to be his duty to call the attention of the House to some of its provisions. He thought the question he then raised so important that it ought to be considered before proceeding further. He had therefore put upon the Paper the Notice of an Amendment he was about to move on the Question that the Speaker leave the Chair, which would raise the question whether they, in consolidating and amending the Bankruptcy Laws, were to have one set of laws for one class of society and another set for a different class. The line of distinction was drawn on no principle—on no rule of right or consideration of justice. This arbitrary and capricious

character in the state of the law they owed to the fact that for the last twenty-five years their legislation had gone on at hap-hazard, was crude, and ill-considered. There was no department of the law or its administration which was in a more unsettled and unsatisfactory state than the law of bankruptcy. Within the last thirty or forty years they had three or four new systems and schemes. One after another of these had proved failures. But if, with all their past experience, they were to have another failure, it would be more conspicuous and discreditable than all that had gone before it. It had been said that the best guarantee for the liberties of the subject was when the poorer classes were subject to the same laws as the aristocracy, for then the influential classes would take care that the laws should be well administered. But here the richer classes were proposing to pass a law which exempted themselves from the punishment of imprisonment for debt, while they left the poorer classes to the operation of a law of a comparatively harsh and arbitrary character. The history of the matter was somewhat like this:—Some twenty-three years ago the attention of Parliament was drawn to the deplorable sufferings of the poorer classes who were imprisoned for small debts. They passed a law that imprisonment for debt under £20 should be abolished. It was soon discovered that this law, however humane in its character, did not give sufficient protection to the creditor against a fraudulent debtor, and next year the breadth of the power was somewhat contracted. Provision was made that the debtor should be summoned before a County Court Judge, and interrogated. If there was anything fraudulent in his conduct he was liable to imprisonment. He might also be ordered to pay by instalments. If he failed to pay any of those instalments he was liable to be imprisoned. That law could not be called unfair, for at that time the insolvent debtor, not a trader, was subject to a similar law. So matters continued till the bankruptcy reform of 1861. One of the provisions of that Act, was that if any person was imprisoned for a debt of more than £20 the officers of the Bankruptcy Court were to visit him in prison. They were to get him out of it as quickly as they could on his surrendering his property. If he had been guilty of any impropriety his future-acquired property was to be made answerable for his debts. He (Mr. Ayrton) had

asked on that occasion, why the poor debtors under £20 were not to have the same advantage? The noble and learned Lord (Lord Westbury) who then, as Attorney General, had charge of the Bill, said he would bring up a clause that would extend the same benefit to the poorer debtor. He did bring up such a clause, and he wished to ask the Attorney General why that clause had not been preserved in the present Bill? He believed he could answer the question by anticipation. The clause had been left out because it was found to be of no real advantage to anybody, and to be totally useless for its purpose. Although in 1861 the imprisonment for debt was abolished, as far as the upper classes were concerned the abolition was not to the extent since proposed. The Committee upstairs took a comprehensive view of the matter, and arrived at a Resolution that imprisonment for debt should be absolutely abolished. This decision was arrived at without exception or reservation. It was true the Committee recommended that a debtor about to leave the country might be apprehended; but this was only for the purpose of securing the right of his creditors to property he might otherwise carry away with him. Every step of the present Bill was fraught with injustice; it was said that there were cases in which damages had been recovered for injuries where debts had been contracted under circumstances more or less immoral, fraudulent, or criminal; that the delinquent in such cases by the surrender of the property would escape. No doubt that would be so under the project of the Committee if the Committee had stopped there. But imprisonment for debt, as understood by the Committee, was the power of a creditor to imprison a debtor simply for the purpose of extorting money. The Committee saw no reason why a debtor should not be imprisoned for a criminal offence against the creditor. The Committee intended that such debtor should be punished, but punished criminally. The Attorney General had not appreciated, or at least adopted, this view of the question. He proposed that if any person was adjudged to owe £20, even if it were for a most aggravated assault or immorality, he should be imprisoned for six months, unless he sooner paid the money, the Judge having no discretion with regard to criminality of conduct on the part of the defendant, and that after the six months the defendant was to be free, his property only

remaining liable. This appeared to be indiscriminate injustice. His hon. and learned Friend seemed to have been misled by looking back to the old insolvent law, instead of the recommendations of the recent Committee. Even the old insolvent law had some redeeming points. On the application of a debtor for discharge, the Judge looked into the cause of action and the conduct of the debtor, and if he saw fit had power to award him imprisonment. In this Bill similar power was given to the Judge. But then the sentence ought to be a criminal sentence. In what position did the hon. and learned Gentleman propose to leave the unfortunate person who incurred a debt to the amount of £50? The Attorney General said that if a man owed, it might be, 100 debts, it might be of small amounts, he should be liable to a particular code of law. But if he contracted only one debt not exceeding £50, or several not exceeding £100, he was to be treated differently. In one case the debtor was to be summoned before the County Court Judge and ordered to pay, perhaps by instalments. If he made default in one of those instalments he was to be liable to forty days' imprisonment, to be repeated till he had paid the last farthing. Under the other law—the law for the rich—the debtor was to be exempt from imprisonment, but was to surrender his present property, and be liable to an order for future payments. The gross injustice of the scheme of the Attorney General was that the bankrupts of the better class, instead of being liable to be sent to prison, would only have their property made liable to their creditors; while the lower class of insolvents, as he had pointed out, might be sent to prison. The awards of the County Court sufficiently showed that this would be no imaginary inequality. The average every year of persons summoned for small debts in the County Courts was 120,000. Against 20,000 of these commitments were made out, and 8,000 were actually imprisoned. But not one in 200 of these persons were imprisoned for frauds, such as would render the better class of insolvents under the Attorney General's scheme liable to incarceration. The law ought to be made general and uniform for all classes, and they should all be equally exempt from imprisonment for debt. The Select Committee had desired that there should be a separation between the administration of the debtor's assets and the proceedings for punishing him for

his delinquencies. They held that the administration of the assets was a matter so purely formal that a County Court might deal with it. Their object was to leave the whole question of the administration of the assets to the creditors, whose property they became by the bankruptcy; and that that business should be treated, without unnecessary delay, trouble, or expense, as an ordinary commercial operation, conducted by the agent whom the creditors might appoint for the purpose. If, however, the scheme proposed by that Bill were adopted, it would be impossible that the simple plan recommended by the Select Committee could be carried into effect, and all the evils and complications which they wished to get rid of would be revived. He regretted, therefore, that these clear and simple views had not been followed in this measure in their entirety, though he admitted that they had been followed in part. On the grounds that he had enumerated, and in order to record his protest against a scheme which would so invidiously distinguish between the treatment of the better and of the humbler class of insolvents, he begged to move the Resolution of which he had given notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is unjust to pass this measure by which any insolvent person who has contracted a debt amounting to £50, or several debts amounting to £100, shall be discharged from liability for all his Debts, except as regards his future acquired property or earnings, to the extent of half the amount of his debts, while insolvents who have contracted debts to a less amount will be liable to repeated imprisonment to compel them to pay their debts in full,"—(*Mr. Ayrton*),

—instead thereof.

MR. NORWOOD said, he desired to thank the Attorney General for the pains he had evidently taken in preparing his measure, and for the courtesy with which he had received the suggestions that had been made to him by the mercantile community. In discussing the question it was necessary to consider in what respect the present law of bankruptcy was faulty. The state of the law, as far as the mercantile community was concerned, was most unsatisfactory. It was expensive, it caused great delay, and it was framed to give undue advantage to the debtor, to the detriment of his creditors. His idea of the right administration of bankruptcy

was this—that the mercantile portion of the affair should be confined to the creditors. The bankrupt's assets were really the property of his creditors, to whom alone should be confided the task of realizing and distributing them. The necessity for resorting to a Court of Law should be as rare as possible. The creditors should go to such a tribunal only to record their proceedings, and should appeal to a Judge only when a difficulty arose which they were unable to solve. The present Bill went to a certain extent in the right direction. The Attorney General proposed that as soon as the insolvent debtor was made a bankrupt, his creditors should be called together, that they should elect a trustee—who would in most cases be a commission agent—in whom the property of the debtor should be vested, and whose duty it would be to realize and distribute it. The hon. and learned Gentleman further proposed that a small committee of creditors should be formed, who should act as inspectors, to see that the trustee performed his duty properly. The property of a debtor should, as soon as he committed an act of bankruptcy, be looked upon as the property of his creditors. He ought from that moment to be regarded as a trustee for their benefit. He was sorry to find that that obnoxious officer, the official manager, was still to be retained. Under the Scotch law there were no provisional trustees, and he did not consider them necessary. He also objected to the continuance of the office of messenger. As to the office of accountant in bankruptcy, he was afraid no one official of that kind could, even with a large staff, perform the duties which were discharged by the corresponding officer in Scotland. The more we could utilize our County Courts in those proceedings, the more pleased the mercantile community would be. He regretted that the Bill proposed to make the jurisdiction of the district bankruptcy courts co-ordinate with that of the County Courts, for some confusion would probably be the result. He should prefer having one Judge of a superior court to take cognizance of matters in London to having three Judges in the metropolis. If the three Judges must be retained he would suggest that one of the three should be made superior to the other two. There was in the Bill too much reference to the *London Gazette*. Some means might be devised by which separate notices might be abolished and a serious

expense in the winding-up of bankrupt affairs avoided. The Bill contained no provision for winding-up the estates of deceased insolvents. That was an omission of which he had had communications from the country requesting him to take notice. He objected to the debtor's making himself a bankrupt. To enable him to do so was to give him a power which it was unwise to confer. He looked upon it as entirely a matter for the creditor how the estate should be realized. There was no doubt considerable anomaly, as had been pointed out by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton), between the way in which small debtors and those who owed large amounts were dealt with. But he was not satisfied as to the expediency of altogether abolishing imprisonment. In many cases the only power which a creditor had over a debtor, who, perhaps, having fraudulently obtained goods from him, set him at defiance, was that of being able to have him arrested and placed in prison. There seemed to be a vulgar error that he could be kept there. He might soon obtain his discharge through the medium of the registrars in bankruptcy, who made frequent visits to our prisons with the object of releasing those who were confined for debt. With reference to the payment of 10s. in the pound, he regarded that point as one of difficulty. Under the existing state of things a premium was held out to fraud and dishonesty, and many men who, having behaved in a most reckless way, became bankrupts, lifted up their heads in the world in a few months after in a manner perfectly scandalous. The great difficulty was how such cases were to be met. The Bill of the Attorney General appeared to stop short of that true reform which he thought advisable. There were many clauses in the Bill which he considered objectionable, but it might be made satisfactory. Therefore, he should not oppose its going into Committee. If the Attorney General would follow the example of his Chief, and accept suggestions from all sides of the House, it was possible that the measure might emerge from the Committee in a shape to be of lasting benefit.

Mr. BARNETT said, he should regret the success of the Amendment if its success were to have the effect of stopping the progress of the Bill. He concurred in many of the views of the hon. and learned Gentleman (Mr. Ayrton) with respect to

Mr. Norwood

the mode in which fraudulent practices should be punished. The hon. and learned Gentleman (Sir Roundell Palmer) had pointed out that the Court of Bankruptcy was not a fit tribunal to take cognizance of criminal acts. Still, it must be borne in mind that those acts were brought to light by the proceedings in the Bankruptcy Court. Under the clauses of the Bill, having reference to the powers of the Judge, nothing could be easier than to transfer the cognizance of such criminal acts to the proper Court to take notice of them. The powers conferred on the Judge would enable him to direct a criminal prosecution to be instituted. The question would arise as to who should be at the expense of the prosecution. One would not desire to see the expense saddled on the creditors. As the case would be one of public morality, the expense should be borne in some respects by the country. The Bill deserved much approval, and he hoped that, after being sifted in Committee, it would, as respects its principal features, become law. The Act of 1861 had failed to give satisfaction, because creditors had no confidence in its working. There existed a strong feeling that some kind of punishment should be held out as a means of preventing the frequent occurrence of men running into debt without any reasonable prospect of discharging their obligations. They were no better than thieves, and should be treated accordingly. With respect to the present power of imprisoning for debt, it was a fair question to consider how far it was advisable to retain it in the case of the smaller class of debtors. The House had pretty well made up its mind that imprisonment for debt should be abolished in this country as far as possible. He much preferred the present Bill to the Bill of last year, and hoped that a careful consideration of its different provisions would enable the House to render it a measure satisfactory to the public.

Mr. HENLEY said, he had had no intention of saying one word on the general provisions of the Bankruptcy Bill. But he now wished to make a few observations as the Amendment moved by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) had raised a question of great interest. The Attorney General had told him in private that he did not think the Bill afforded a favourable opportunity for raising that great question. He concurred in that opinion. A great many thousands of persons were annually in

prison for very small debts under the County Court system. They were so imprisoned, not simply as debtors, but in a way equivalent to and under the same conditions as fraudulent debtors. They were under the same gaol regulations, according to the rules of the Secretary of State. Therefore year by year there was going on a serious injustice, which probably his hon. and learned Friend the Attorney General would designate as a relic of a barbarous age in connection with imprisonment for debt. This practice was being continued against small people under what he had almost called false pretences. A preference was made that the man was in contempt because he did not pay his debt in the way the Court ordered him to pay. He was put into prison and treated there as if he were a fraudulent debtor. He did not think he had at all overstated the case. He therefore hoped the Attorney General would give this matter his consideration and see whether it was fit and proper that thousands of people should be in gaol under this state of things, when laudably, as he believed, the hon. and learned Gentleman was acting in the true direction for getting rid of the greater evils of the system. He could not understand why a man who owed £100,000 and did not pay it was to go scot-free, while the wretched man who owed £5 should be locked up at the rate of one day for every shilling, under the authority of the County Courts. He saw many of these poor people in prison every time he went there, and he felt there was something wrong in the law which continued such a state of things. He had felt strongly on the subject for many years, and the Motion of the hon. and learned Gentleman almost compelled him to express his sentiments on it. He had no intention to press the subject now, because he believed this was not the proper time, but he cordially concurred in the opinion the Resolution expressed.

MR. ALDERMAN LUSK said, he thought they would be almost better without any Bankruptcy Law at all than with the clumsy complicated machinery it was so difficult to apply. Commercial men had no time to look after bankrupts and punish them as they deserved. The law should be as preventive as possible. The great evil was that men not fit to take the command of business got into debt, became bankrupt, got through the Court with ease, then re-commenced business, and

became bankrupt again. That was a bad system, and deserved severe reprobation.

THE SOLICITOR GENERAL said, that although the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had discussed the Resolution moved by his hon. and learned Friend the Member for the Tower Hamlets, and although he did not anticipate any opposition to going into Committee to-night, he wished to say a few words on one or two points which appeared to be misunderstood. First, as to whether the right hon. Gentleman was correct in saying that this Bill continued that punishment by arrest on final process which existed before the 7 & 8 *Vict.* He maintained that it did not. This was not the time to alter those most important statutes under which the Small Debts Courts were constituted. Their powers did not extend to imprisonment on final process at all. It was not by any means correct to say that small debtors were imprisoned, while larger debtors went free. In 1845, after they had abolished arrest for debts under £20, it was found utterly impossible to get these debts without some other process. What occurred under the 9 & 10 *Vict.*? The leniency under that Act to the small debtor was extraordinary. In the first place, instead of a rigid rule that he should have execution against his goods at a certain time, a Judge had to say whether he should pay in lump or by instalments—whether, in case of ill-health or other causes shown, he should be excused for a certain time. Then there was the utmost latitude to the Judge to say in what instalments and at what time the debt should be paid. It was entirely different when the debt was above £20. In the Superior Courts of Law, if a debt above £20 was recovered, execution was issued, and the debtor's goods swept away unless he paid the money, and that without any special clauses in the Act of Parliament, or any discretionary power. The leniency had been shown to the debtor who owed less than £20. He did not find that there had been any difficulty in working that Act. The County Court Judges said they might just as well abolish the County Court Acts altogether unless they had power to oblige the debtor to pay by instalments. It seemed absurd to say that a man who was in the receipt of £3 or £4 per week should not be compelled to pay the 3s. or 4s. per week which he was ordered by the Court to pay in discharge of a debt he had

incurred. He believed the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who spoke of having found so many debtors imprisoned under sentences of these Judges, would have also found, if he had inquired, that most of them were justly imprisoned in consequence of their own perversity. It might be a question whether the Small Debts Act or the County Courts Act ought to be repealed; but his conviction was, that if the clauses abolishing the power of ordering payment of a debt by instalments and imprisoning the debtor in default of payment were to be repealed, the creditor would be left without remedy, and a most unsatisfactory state of things would ensue. Persons who owed an amount of 10s. or the like were not persons to whom the Bankruptcy Laws could be applied, and the creditor was often as poor a man as the debtor, and could as little afford to lose the money. It was correctly stated that the Attorney General had departed from the recommendations contained in the Report of the Select Committee on Bankruptcy. He had done so advisedly, because he thought that many of those recommendations could not be carried into practical effect. The details of the Bill could be better discussed in Committee than in its present stage.

Mr. AYRTON said, he would not divide the House upon the question, but he wished that his Amendment should be negatived, so that it might be placed upon the records of the House.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

Committee report Progress; to sit again upon *Thursday* next.

INVESTMENT OF TRUST FUNDS BILL.

On Motion of Mr. HENRY B. SHERIDAN, Bill to remove doubts as to the power of Trustees, Executors, and Administrators, to invest Trust Funds in certain securities, and to declare and amend the Law relating to such Investments, *ordered* to be brought in by Mr. HENRY B. SHERIDAN and Mr. AYRTON.

Bill *presented*, and read the first time. [Bill 197.]

House adjourned at One o'clock, till *Thursday* next.

The Solicitor General

HOUSE OF COMMONS,

Thursday, June 13, 1867.

MINUTES.] — NEW MEMBER SWORN — Henry Edwards, esquire, for Weymouth.

SUPPLY—*considered in Committee* — NAVY ESTIMATES.

Resolutions [June 7] *reported*.

PUBLIC BILLS—*Resolution reported*—Courts of Law, &c. (Salaries and Expenses).

Ordered—Courts of Law, &c. (Salaries and Expenses).*

First Reading—Industrial and Provident Societies* [198].

Second Reading—Pier and Harbour Order Confirmation (No. 3)* [192]; Statute Law Revision* [194]; Christ Church Ordinances (Oxford)* [190].

Committee—Representation of the People [79] [R.P.]; Railways (Scotland)* [122]; Tyne Pilotage Act (1865) Amendment* [168].

Report—Railways (Scotland)* [122]; Tyne Pilotage Act (1865) Amendment* [168].

Third Reading—Inclosure* (No. 2)* [180].

PARLIAMENTARY REFORM— REPRESENTATION OF THE PEOPLE BILL.—[BILL 79.]

(Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Lord Stanley.)

COMMITTEE. [PROGRESS JUNE 3.]

Bill *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: Sir, I was in hope that I might be able to place on the table of the House this evening the Schedules which refer to the new re-distribution of seats; there is, however, no doubt that they will be in the hands of hon. Gentlemen to-morrow. I think it, however, only respectful to hon. Members that they should not remain in doubt for any unnecessary time as to the course Her Majesty's Government intend to recommend for their adoption, and should not be deprived of such information as we can give them in consequence of a mechanical difficulty in preparing the Schedules. Therefore I take advantage of our going into Committee on the Bill to make a statement of our intentions; but on the part of the Government I have no wish to invite discussion to-night, and I do not expect it. I will conclude by moving that the Chairman report Progress, which will not prevent any hon. Gentleman from making comments if he likes, but as indicating the wish on our part that after I have made the necessary communication the House should proceed with other public business. The Committee is aware

that the result of the division which took place on the Motion of the hon. Member for Wick (Mr. Laing), was to make a considerable addition to the number of seats which the Government originally contemplated having at their disposal for re-distribution; for the Committee agreed to a Resolution that every existing Parliamentary borough which does not exceed 10,000 in population should be represented by only one Member—a principle which Her Majesty's Government entirely approve, although they do not think it possible to extend its application so far without the assistance of the Committee. The result of this decision is to add fifteen seats to the thirty which we originally contemplated having for appropriation; therefore we have to deal with forty-five seats. In considering the wisest and most satisfactory mode of appropriating them, we have felt, after due consideration, that it was not expedient merely to consider the distribution of the fifteen additional seats which, by the sanction of the Committee, were placed at our disposal; but, looking to the changes in the arrangements which we had previously recommended, to the change of relative circumstances involved in the larger number we had to deal with, we concluded that it would be wiser to consider the whole question again *de novo*. Requesting the Committee to forget for the moment the arrangements we proposed when we were dealing with the lesser number of seats, I will explain the plan on which Her Majesty's Government think it most expedient that these forty-five seats should be distributed. Taking the boroughs first. Her Majesty's Government think that the representation of the metropolis should be increased by four Members. We propose to divide the Tower Hamlets, as has been before suggested, and we propose that a new borough should be created which shall return two Members. It should be called, I think, for convenience, as it might be with propriety, the borough of Hackney. Hackney is not an unclassical name, for one of our great English poets has said—

"Friendly at Hackney; Faithless at Whitehall."

I hope, however, that the Members for Hackney will be faithful to Her Majesty's Government. That will add two Members to the metropolitan representation. On the other side of the metropolis we propose that a new borough shall be created of Chelsea and adjacent parts. That will give four additional Members to

the metropolis. I will now name boroughs several of which have already been submitted to the Committee and have had their claims favourably received. The claims of all have been considered again with very great diligence, and, I hope, with perfect impartiality. We recommend the Committee to confer one Member each upon the boroughs of Hartlepool, Darlington, Middlesborough, Burnley, St. Helen's, Barnsley, Dewsbury, Staleybridge, Wednesbury, and Gravesend. These are names which have been mentioned before. We add to these the borough of Stockton, Keighley and parts adjacent, and Luton and parts adjacent, recommending that they shall have one Member each. We propose also that an additional Member shall be given to Salford and an additional Member to Merthyr Tydvil. This appropriation gives nineteen borough seats. We are still of opinion that the University of London should be represented in Parliament; and we recommend the Committee to consider whether it may not be expedient to connect with it in that representation the University of Durham. That will take twenty of the forty-five seats. There remain twenty-five seats yet to be appropriated. The facts of the case, the state of public opinion—I might almost say practically the previous decision of the House—will prepare the Committee for the recommendation on the part of Her Majesty's Government that these twenty-five seats should be allotted to the more efficient representation of the English counties. It is unnecessary for me to dilate at all upon the details of this question. This is not the occasion. On a future occasion opportunities will be offered to us to go into any details which are necessary. The Committee are perfectly familiar with the general merits of the case, and I will confine myself, with scarcely an exception, to expressing to them now the mode in which we think these twenty-five seats should be allotted. What we propose is that, as originally suggested, the counties of West Kent, North Lancashire, East Surrey, and South Lancashire should be divided. That would dispose of seven Members, South Lancashire having one and the other divisions two additional Members. That appears, so far as we can collect, to be a proposition eminently popular, and one calculated to meet all the requirements of the case, and we do not in any way wish to interfere with that previous arrangement. We

then take nine of the most considerable counties in England—Lincolnshire, Derbyshire, Devonshire, Somersetshire, the West Riding of Yorkshire, Cheshire, Norfolk, Staffordshire, and Essex; and we propose that these great counties should be divided each into three parts, and that each part should be represented by two Members. The Committee will see that I have in that manner disposed of the forty-five seats, the re-distribution of which we had to consider this evening. I believe that these counties, deducting the population which is represented within the Parliamentary boroughs, contains something like 4,000,000 people. They represent on the largest scale the great industries of the country—agricultural, manufacturing, and mineral; and to an enormous extent a vast variety of trades of great importance, though of secondary importance to these three great departments of industry. In fact, I believe there are as many trades carried on in the counties of England and among their various populations as in the boroughs. I have now placed before the Committee the plan which we recommend to their adoption. The schedules, in which this plan is in greater detail explained, will be in the hands of hon. Gentlemen, I hope, to-morrow. They have been prepared by gentlemen who, from their position in life, and from the tone and tenour of their minds, are, I believe, as superior to petty party interests as any body of public servants can be. But the schedules have been prepared under the direction and personal superintendence of the Government, who on this occasion, as on all previous occasions connected with this considerable measure, have most strenuously endeavoured not to lend themselves to any arrangements of a party character. Nevertheless, I am not sanguine enough to suppose that when these schedules are considered and studied by the House they will escape criticism, or perhaps even some imputations made in the freedom of Parliamentary conversation. But that will not annoy us so much as if the Committee should be induced to waste what at this period of the Session is very valuable time in making or in refuting charges which after discussion will probably be found of a rather minute character, or to have no foundation. What we therefore recommend to the Committee is, that they should give well-defined but really large powers to the Boundary Commissioners;

The Chancellor of the Exchequer

and that after the Boundary Commissioners have dealt with all these schedules, which are necessarily and avowedly of a temporary character, we should reserve our criticism for the labours of the Boundary Commissioners when they come before us in a matured shape in a Boundary Bill, taking care that no arrangement is entered into, either by negligence on the part of the Commissioners or from any other causes, which a fair treatment of the question cannot justify. On Monday next, therefore, when we go into Committee, we shall be going into Committee on the second part of the Bill, and there is no reason why, after this announcement, we should not proceed with that part of it. But I hope on Monday next to lay upon the table Amendments to the third portion of the Bill, which will define the duties and powers of the Boundary Commissioners, and I will also lay before the Committee well-prepared clauses for registration, which, in consequence of the changes made with regard to the franchise in the course of our labours, are now necessary. I should have been very glad to-night if I could have announced to the Committee the names of the Boundary Commissioners, and such was my hope and intention. But an hon. Gentleman, whose name, position, and talents would have commanded the confidence of the House and the country, has, unfortunately, from his only fault—a want of sufficient confidence in his own position and talents—obliged me to relinquish that intention. He sits upon the Benches opposite, but his name would have commanded universal confidence. I trust before going into Committee again to have completed the number of five Members, which, I think, is the most convenient number of Commissioners, and I shall then have pleasure in announcing their names. I trust that the Committee will not hesitate to give them the well-defined but ample powers to which I have referred; and I think if the Committee in the progress of the Bill will follow the course I intimate as most convenient and most conducive to the advantageous fulfilment of our duties, we shall be able to proceed with this measure in a manner satisfactory to the country. I now, Sir, end with a Motion that you report Progress, and ask leave to sit again.

Mr. LAING agreed with the right hon. Gentleman that it would be more convenient not to discuss the merits of the proposal till Monday evening; but it was

desirable that hon. Members should know what particular subject would be discussed upon that occasion. With one exception the Government scheme of re-distribution did not differ materially from that he had himself ventured to make to the House on a previous occasion. That exception referred to an essential part of his scheme—the grant of additional representation to six or seven of the largest towns in the kingdom, coupled with an adoption of the principle of grouping to such an extent as was sufficient to obtain these six or seven seats. As regarded the new boroughs, he had never objected to that portion of the Government scheme, and would give it his support. As regarded the twenty-five Members to be assigned to counties, that was almost precisely the number he thought the counties might fairly claim; and as to the mode of distribution among the counties, that was a question for the county Members themselves. One point of importance had reference to the seven Members for Scotland. As the right hon. Gentleman had exhausted all the forty-five seats at his disposal by distributing them in England, he gathered that the just claims of Scotland would be rather met by increasing the total number of Members of the House than by taking Members away from English boroughs. That was obviously a most important feature in the scheme of the Government; because if the House came to an opposite decision it would cut away seven of the seats with which the right hon. Gentleman proposed to deal. On Monday he should move his Amendment on the 10th clause, for the purpose of giving an additional Member to the six large towns. The hon. and learned Member for Lambeth (Mr. Thomas Hughes) would thereupon raise the question of cumulative voting, and the Committee would therefore have the opportunity of deciding on Monday upon these two important points.

MR. AYRTON said, he was glad to find that the Chancellor of the Exchequer had not been influenced by the views of the hon. Member for Wick (Mr. Laing), and had shown a better appreciation of his duty than by the adoption of a scheme which, he believed, nearly every one had rejected. He wished to ask the right hon. Gentleman if he would adopt the course followed last Session of re-printing the Bill with all the Amendments; for, after the extensive changes which were proposed it would

be convenient to have them in print, so that hon. Members might be able more easily to comprehend them. The Reform Bill of last Session was re-printed, so that they could see exactly what had been done, and he hoped the same course would be followed now. It would then be much easier to understand what they were doing, and they would be able to proceed much better with the Bill in Committee.

SIR MATTHEW RIDLEY was glad to hear that the right hon. Gentleman the Chancellor of the Exchequer, in the contemplated re-distribution of seats, had not overlooked the claims of the University of Durham. He could say, with entire confidence, that the announcement of the right hon. Gentleman's intention would be fully appreciated by that University, which had a just claim to share in the distribution of Parliamentary privileges which it was now proposed to make. Taking into account that it was intended to give representatives to the Scotch Universities, had Durham been overlooked it would have been the only University in Great Britain which would have been left without representation. The students of Ushaw College graduated at the London University, and therefore would be enfranchised. Under such circumstances it would not be fair that the students of the University of Durham should be left unenfranchised.

COLONEL SYKES said, that the right hon. Gentleman, in the statement he had made, had disposed of the whole forty-five seats without reference to Scotland. Now, the Chancellor of the Exchequer, with his acuteness and sense of justice, must be quite aware that Scotland was under-represented; she was not represented within twenty-five of the number of Members to which she was entitled, both by wealth and population. If the forty-five seats mentioned by the right hon. Gentleman were appropriated according to his scheme, Scotland must look to some other source for an increase of her representation. As for increasing the Members of the House, he did not think, from the feeling very generally prevailing on the subject, that such a proposal would be sanctioned, and in that case Scotland would be thrown over altogether. They had heard in times past a good deal about justice to Ireland, and he would warn the right hon. Gentleman that the cry of justice to Scotland would soon be raised. The right hon. Gentleman had had proof of that already; he would have still further proof of it

before Monday next, and would do well to be prepared for it.

MR. CARDWELL said, that the proposal of the right hon. Gentleman that they should postpone discussion upon the subject until they had the whole plan before them was extremely reasonable. If he understood the right hon. Gentleman rightly, they were to have in their hands to-morrow schedules with full details of the places to which it was proposed to give Members, and also the schedules of a temporary character; and on Monday information with regard to the Boundary Commissioners, their duties, and the powers they would have to alter the limits of boroughs, would be placed before them. That being so, it appeared to him perfectly clear that they were not in a position to give an opinion on the right hon. Gentleman's proposals, and it would be wise to delay giving such an opinion until they had the plan before them in detail. There was one point, however, as to which they might ask for more precise information. The seven Members which it was proposed to give to Scotland had not been included in the statement of the right hon. Gentleman. He did not wish to raise that point for discussion now; he might be permitted to say, however, that he was one of those who regretted that the number of new Members was limited to forty-five, and he hoped it would be open to the House on Monday to consider that point among others. It might not be unreasonable now to ask the right hon. Gentleman to inform the Committee from what fund the additional Members for Scotland would be provided—whether by increasing the numbers of that House, or by an enlarged disfranchisement, grouping, or some other process.

MR. NEWDEGATE urged upon the Chancellor of the Exchequer the propriety of re-printing the Bill. It would be impossible for the Committee to consider the whole scheme of re-distribution in connection with the extension of the suffrage—questions which the House had decided last year should be taken together—unless that were done. He trusted the Chancellor of the Exchequer would use his influence with the right hon. Gentleman the Speaker to have the Bill re-printed.

SIR FRANCIS GOLDSMID observed, with regard to the proposition for associating the University of Durham with that of London, and the remarks which had been made by the hon. Baronet the

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Member for Northumberland (Sir Matthew Ridley), that until a very late period the University of Durham had not been considered an example of the brilliant success which had been obtained by the University of London. He doubted that the proposed union would work satisfactorily, because the lower either of the Universities reduced its standard of examination for degrees the larger would be its share in the total of representation.

MR. CANDLISH hoped that the Chancellor of the Exchequer would be able, by Monday next, to let the Committee have the promised definition of a "dwelling-house."

THE CHANCELLOR OF THE EXCHEQUER: With regard to the inquiry made by the hon. and learned Member for the Tower Hamlets and my hon. Friend the Member for North Warwickshire, I am not clear as to what can be done about re-printing the Bill. I have had some conversation on the subject with the highest authority, and all I can say at present is, that I shall do all that can be done in the matter. With regard to the definition of a "dwelling-house," I have seen several definitions, and I am not at all prepared to recommend the Committee to adopt any of them. It is a subject with which, I believe, the common law of the country would best deal, and I have no doubt that the information and intelligence of the Committee will be able to elicit satisfactory conclusion on the point. With respect to the representation of Scotland, I thought I had already expressed the intentions of Her Majesty's Government so clearly that the question of the right hon. Member for Oxford might have been deemed superfluous. I am of opinion that England is not over-represented; its representation may be distributed to more effect, and we are taking very considerable steps in that direction; but I am not at all prepared, if Scotland be not adequately represented, as I believe she is not, that that adequate representation should be secured by impairing the adequate representation of England. It should be recollected that the representation of Scotland was increased in 1832 at the cost of England. That is an expedient which may once be resorted to, but I think it very doubtful whether it ought to be repeated. We have not had any intimation from the hon. Gentlemen who represent the sister island, but I am not inclined to think they are ready to make any sacrifice

on behalf of Scotland; and therefore I think, under the circumstances, if the House of Commons is really of opinion that Scotland is not adequately represented, they ought to meet the difficulty and increase that representation. But that we should lay down the principle that the adequate representation of Scotland is to be obtained at the expense of the adequate representation of England or Ireland is a proposition that I cannot at all support.

COLONEL SYKES reminded the right hon. Gentleman that before the Union Scotland had sixty-seven Members, and now she had but fifty three.

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—ORDNANCE DEPARTMENT.

MOTION FOR A SELECT COMMITTEE.

MR. HENRY BAILLIE rose to call attention to the present condition of the Ordnance Department and to move for the appointment of a Select Committee. He said that he had no complaint to make against his right hon. Friend (General Peel), there having unfortunately during the last few years been a rapid succession of Secretaries of State for War, not one of whom had had a sufficient tenure of office to enable him to acquire a proper knowledge of the Department over which he had been called to preside. The exterior of the War Office might be taken as a very fair type of its interior arrangements. In the one case was presented a number of old private houses of every size and shape huddled together to constitute a Government office; in the other a number of departments of different kinds huddled together under the nominal control of a Secretary of State, but really and practically governed by men who, though unknown to the public, contrived to exercise absolute and irresponsible power. The present organization of the War Department was effected during the course of the Crimean war, when the existing system was manifestly incapable of such expansion as to accomplish the vast increase of business which a war necessarily engendered; and

it seemed to have been thought by those then at the head of affairs, that the best course would be to unite under one single head all the different branches of the service, and thus greatly to increase the duties and responsibilities of the Secretary for War. Now, the Ordnance Department was one of those thus united to the War Department, the management of which was, perhaps, with the exception of the Admiralty, the most difficult of any in the public service; for, like the Admiralty, it involved, in addition to ordinary business, the control and direction of vast manufacturing establishments. This amalgamation of the Ordnance Department with the War Office had operated most disadvantageously for the country. The Master General of Ordnance, who previously presided over that Department, was always selected from the most distinguished officers of the army—indeed, the Duke of Wellington once held the appointment—and he was directly responsible to the Government for its management. Who, however, he should like to know, was responsible now? He should doubtless be told that the Secretary for War was; but was he responsible in the same sense in which the Master General was formerly responsible? Could it be expected that a Minister with so many other duties to perform—often a civilian selected, perhaps, solely from political considerations—should know anything of the management of these great manufacturing establishments? He must obviously be dependent on somebody else; and as regarded the construction of warlike implements he had for the last ten years been mainly dependent upon the Ordnance Select Committee, whose decisions were arrived at by a majority of votes; so that the minority would probably not hold themselves responsible for what they might think the blunders of their colleagues. That Committee, moreover, had not acquired a very good name. They had been accused of becoming themselves inventors and manufacturers, and of having made an unfair use of inventions which had been submitted to their notice by manufacturers, and afterwards brought them out as their own; and they had been accused of unfair dealing in other respects. Though he would not offer any opinion as to whether these charges were well or ill founded, he must say that the course taken by the Government had given very great colour to them. On more than

one occasion, when complaints had been made by inventors and manufacturers that the Ordnance Select Committee was an unfair tribunal, the Government had appointed special Commissioners in particular cases to do the work instead of them, and thus the Government themselves seemed to be of opinion that the Select Committee was not the proper tribunal to deal with the matters with which they had to deal. He was prepared to prove that the operations of the Select Committee, during the last ten years, had been most unsuccessful, most unfortunate, and most capricious, and the consequence had been a lavish and profuse expenditure beyond anything known before, and for which we had no corresponding or satisfactory results. The Committee, as he would proceed to show, had given us a field artillery which the most experienced officers in the service united in condemning, and which was, in many points, unfit for the service; they had given no satisfactory naval guns or ordnance for our coast defences, and they had recommended a system of breech-loading arms for the infantry which, in the shape presented to the Government, had proved a failure and had since been rejected by almost every other nation of Europe. He was prepared to prove these assertions by the most conclusive official testimony. With regard to the first point, our field artillery consisted almost exclusively of breech-loading Armstrong guns, rifled upon the poly-groove system, which, though no doubt a very ingenious invention at the time it was made, was a very complicated one, and, as a foreign critic had sarcastically remarked, even the projectile was a work of art. Now, great improvements had since been made. Sir William Armstrong had himself invented what he called a "shunt gun," which he declared to be infinitely superior to the original Armstrong; while the Committee had invented a gun which they described as infinitely superior to the shunt gun; and foreign nations had invented guns which they no doubt regarded as preferable to either of these. It was under these circumstances that the late Government appointed last year a Committee to report on the state of our field artillery. It was composed of thirteen of the most distinguished Artillery officers, and in proof of the importance to be attached to their Report he would read their names:—General Dacres, General St. George, General Warde, General Arm-

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strong, General Taylor, General Dickson, General Lefroy, Colonel Wilmot, Colonel Gambier, Colonel Daguiar, Colonel Adye, Colonel Smythe, and Colonel Philpotts. They made a Report, and it was resolved unanimously—that the balance of advantages is in favour of muzzle-loading field guns, and they recommended that they should be manufactured hereafter. They declared that muzzle-loading guns were superior, and should be substituted for those we have at present. Of course this resolution only referred to the system of breech-loading adopted by Sir William Armstrong. Would the Committee have come to such an important resolution, so inconvenient to the Government, had they not been aware that the field guns of other nations were superior to our own? These officers, however, had only had experience of our field guns upon home service—at Aldershot and at Woolwich—and it was desirable the House should know what experienced officers thought of them abroad. He would therefore quote from a Report upon the subject made by a distinguished Indian officer—Colonel Maxwell, superintendent of the Royal Gun Foundry at Cossipore. He states—

"That the Armstrong field gun is certainly not a safe gun. It is expensive, vastly complicated, requires skilled artificers in every battery armed with it, and cannot be re-produced or mended in India. That it has already undergone endless modifications and alterations; and if the Imperial Government were not so deeply committed to the Armstrong system of field artillery by the enormous amount of material in hand a more simple system would be undoubtedly introduced."

And Colonel Maxwell went on to recommend in lieu for the Indian service that the old bronze 6-pounder guns should be re-cast and rifled. Was it possible for any officer to use stronger or more decided language in condemnation of our field guns? During the last ten years all the nations of Europe had been busily engaged in re-constructing their field artillery, but not one had thought proper to adopt the Armstrong gun. It had been offered to every one of them. It had been tried in America and had failed. It had been tried by the Government of Spain, and had failed there. It had been submitted to a committee of French officers, by whom it had been examined, tested, and unanimously rejected. What course had our Government taken with all these Reports in their possession? They had ordered very lately an additional

number of these breech-loading Armstrong guns to be constructed. It would naturally be asked how it happened that a gun rejected by every foreign nation had found so much favour with the British Government? This required an explanation, which he was prepared to give. A very close intimacy had long prevailed between the Elswick Armstrong Ordnance Company, the War Office, and the Ordnance Select Committee. That intimacy commenced at a time when the late Sir Benjamin Hawes was the permanent Under Secretary for War. He took great interest in the Ordnance Department, and the history of the introduction of the gun into the service was curious and instructive. The Ordnance Select Committee of 1859 was composed of two eminent civil engineers, the heads of departments, and some other influential officers. That Committee expressed great doubts whether the Armstrong gun was a fit gun for the service. The War Office thereupon appointed a sub-committee of five officers; Captain Noble was selected as the secretary; and the sub-committee decided that the gun ought to be admitted into the service. The Government confirmed that decision. The next step, in order to establish a complete monopoly in favour of the gun in both branches of the service, was to get rid of all the heads of the departments who had expressed doubts as to the fitness of the gun. Colonel Wilmot, the Chief Superintendent of Gun Factories at Woolwich, was removed, the staff was broken up, and Sir William Armstrong was appointed Chief Superintendent in his place. The House will see, therefore, that Sir William Armstrong was appointed to test and inspect the work of his own partners. That state of things could not last; and in 1860 a Committee of that House, called the Army Organization Committee, was appointed. Sir James Graham was the Chairman, and drew up the Report, and his sarcastic remarks upon the transaction compelled Sir William Armstrong to retire. But his influence had ever since remained unimpaired. He did not wish to be understood as objecting to the original introduction of the gun. It was a great and novel invention which his right hon. Friend (General Peel) was quite right to try—what he complained of was the complete monopoly which was established in both branches of the service. The House had little idea of the expense of the monopoly which the Elswick

Company had obtained. Little short of £3,000,000 sterling had been expended upon the Armstrong artillery, a great portion of which had been poured into the coffers of the Elswick Company. The cost of this artillery was enormous. The 13-inch guns cost £4,000 each when constructed at Elswick, yet they seemed to burst as fast as they were made. There were, he believed, only two now fit for service, the rest having been disabled. With respect to these two guns an incident occurred which showed the state of preparation of this country, as far as heavy artillery was concerned. When, a few weeks ago, there appeared to be a danger of war with Spain, it was thought desirable to send some heavy artillery to Gibraltar. These two 13-inch guns, familiarly known as 600-pounders, were sought out and ordered to be sent to Gibraltar. It was found that they were improperly rifled, and they were then sent to the factories to have the shunt rifling—which was at present disapproved of—bored out and the Woolwich rifling substituted. That operation was still going on, or was at all events proceeding ten days ago. Another circumstance that deserved to be known was that all orders given to the Elswick Company were irrespective of price, the manufacturers charging what they thought proper. He could give the House an example of this system. A short time ago a number of gun-carriages were ordered for heavy guns. It was a novel invention. He did not know their cost, because no price was stipulated for; but he was told that they would cost about £600 each. There were thirty or forty ordered. A good number of them had been made, but they had not been tested; and no one knew at this time whether those gun-carriages would sustain the weight of the guns for which they were intended. Instead of ordering one to be made in the first instance and testing it properly, and then ordering the others afterwards, they had ordered the whole to be made at once. So much for the field guns. He now came to the question of naval guns. They had always been told that the First Lord of the Admiralty was responsible for the armament of the navy. Well, he had objected to that on a former occasion, because he did not understand how the First Lord of the Admiralty could be responsible for guns which he did not make, over which he had no control, and which he was obliged to accept from the Minister

for War. However, as the tradition was that the First Lord of the Admiralty was responsible, he would assume that he was so, and also that the present First Lord knew what the armament of the navy was at the present time; and he would venture to ask his right hon. Friend (Mr. Corry) whether he thought the armament of the navy was in a satisfactory state, and whether he would feel comfortable in the event of our being suddenly engaged in a war. He would proceed to describe what that armament was, and he would commence with the wooden ships. By way of illustration, he would take as an example one of the finest frigates in Her Majesty's service, the *Liverpool*, nominally a fifty-gun frigate, and now in the Channel squadron. Her armament at present consisted of three descriptions of guns. First of all, she had a certain number of breech-loading Armstrong guns—guns which had been condemned as unfit for the naval service, and which, upon the only occasions on which they had been used, had absolutely failed. The Reports of all those failures had been laid on the table of the House; but such Reports, when the officers making them knew they would be disagreeable, were always softened down; and the private reports were much stronger than those which were sent to the Government. [The hon. Member here read an extract from the private report of an officer who commanded a ship at Kagosima, which was to the effect that in spite of all the pains and care taken with the 110-pounder Armstrong gun, it would not go off, and that but for the fact that there were a few smooth-bore guns on board, the ship must have been lost.] That gun which so absolutely failed formed part of the armament of the *Liverpool*. The next portion of her armament consisted of Armstrong shunt-guns—guns which the Ordnance Select Committee were now boring out the rifling from, because it was so defective, and which were altogether useless for battering purposes. The third portion of the *Liverpool's* armament consisted of 8-inch smooth-bore guns, which were now quite out of date, and also entirely useless for battering purposes. That, then, was the armament of one of the finest frigates in Her Majesty's navy; and it might be taken as a very fair type of that of all other wooden ships in the service. None of them were better armed; perhaps some were not armed so well.

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There might be one or two which had lately been armed with heavy guns, but they were exceptions to the general rule. That was the state of preparation in which we were at the time when we knew that the Americans were arming their wooden ships with the heaviest description of modern artillery. He knew it was the fashion with our authorities to sneer at the American guns; but the Americans had produced the best work we possessed on artillery, and which was now the textbook in all our public Establishments; and they also had guns that had been tried in actual warfare, which had not been the case with ours. The American guns had made very short work with the *Alabama*, armed though she was with English guns. So much for our wooden ships. He would next turn to our iron-clad fleet. It was rather difficult to say what the armament of that fleet was at the present time, because it was in a state of transition; but guns were being prepared for it. They had been lately manufactured at Woolwich. The largest of those guns was of twelve tons weight; it had a calibre of only nine inches, which was a small calibre; it was rifled on what was called the Woolwich principle, and it was said that under certain conditions—that was, at very close ranges, and with the target placed directly before it—it could perforate eight inches of solid iron. That would appear to be a satisfactory result. But, unfortunately, there was another side to the picture, and that was that those guns would not stand the test of continuous firing. He believed that they had never been tested at all by rapid firing; but with the slow and deliberate practice they had at Shoeburyness they very speedily gave way. That they had on the highest official authority. The Chief Superintendent of the Royal Gun Factory, in a letter to the War Office, referred to the opinion previously expressed by him—

“That it would be advisable to make further trial of coiled tubes for heavy guns, as he believed that steel tubes could not be expected to last with heavy charges more than 300 or 400 rounds. The failure of the 9-inch 12-ton gun of cheap construction with steel tube after 386 rounds, and the more recent failure of a 13-inch muzzle-loading gun of 23 tons with steel tube of Elswick manufacture after 50 rounds, bear out this opinion.”

Now, the guns which were there described as incapable of lasting more than 300 or 400 rounds were the very guns which

were now being prepared for Her Majesty's iron-plated ships. The Ordnance Select Committee, in their Report, stated that they thought, as a measure of precaution—

“The service of the 9-inch guns should be restricted for the present to 400 rounds, of which not more than 150 should be with the battering charges, and that a circular should be issued to this effect.”

So that they proposed to confine the fighting power of Her Majesty's ships to 150 rounds. It would therefore be desirable that the House should be informed whether the First Lord of the Admiralty thought that was a satisfactory gun for the navy, and what orders or instructions he had given to those captains who were going out for a four years' cruise with regard to the exercise of those guns? Now, the Chief Superintendent of the Royal Gun Factory stated that the rapid failure of the gun arose from the mode of rifling adopted at Woolwich—that was to say, the cutting of deep grooves in a steel tube. That might be easily made intelligible to the House. Steel was in some respects like glass. If they made a line or groove with a diamond on a plate of glass, when force was applied it gave way precisely in the line of the groove; and the same thing occurred in the steel tube. Therefore, the Chief Superintendent at Woolwich had suggested to the Ordnance Select Committee that they should adopt a different mode of rifling; but they had peremptorily rejected that proposition, and had declared that they meant to adhere to the Woolwich system of rifling. Now, that system of rifling had been adopted by them after a trial of the 7-inch guns. Two years ago there was a trial of the 7-inch guns. He heard at the time that the trial was not fairly conducted, and he had therefore moved in that House for the Report of the Committee on that trial. Well, the Report was presented; but it was presented without the programme. Why was the programme not given? Simply because the trials had not been conducted in accordance with it. That of itself was unfair; but on inspecting the Report he found that the figures were incorrectly given. Whether it arose from accident or design he could not say; but the figures, as given in the Report, would give a superiority to the Woolwich gun, whereas the real figures would not give a superiority to that gun. The House must form its own conclusion, whether these were subjects

that ought to be inquired into. We had been ten years puzzling over these matters, and spending enormous sums of money with what results he had already stated. Such was the present state of the question so far as great guns were concerned, and, passing from it, he would, in the next place, trouble the House with a few remarks on the subject of small arms. On that subject his right hon. and gallant Friend the late Secretary for War had made a very plain and straightforward statement in moving the Army Estimates. He informed the House that for three years the Ordnance Select Committee had been urged by the War Office to provide our troops with a good breech-loading gun, but that they had neglected, or were unable, to comply with the request. Now, that was a fact which was, he thought, not a little discreditable to this country. The truth was, however, he believed, that our gunmakers refused to submit their inventions to the Ordnance Select Committee because they were afraid they would be pirated, and they would be deprived of the just remuneration for their talent. Indeed, one of the largest gunmakers in Birmingham had told him, some two years ago that he could furnish the Committee with an excellent breech-loading arm, but that he objected to do so for the reason which he had just mentioned. The great superiority of the needle-gun, as demonstrated in the war between Prussia and Austria last year, compelled the Government to take immediate action in the matter, and a pressure having been put upon the Committee they produced the Snider rifle, the sealed patent of which invention the late Secretary for War had, he understood, found in his office when he became the head of the Department. The Snider rifles when made were, it appeared, sent to Aldershot, where it was soon perceived that the cartridge was liable to burst the chamber of the gun and to go out at the breech. So that the gun, as presented to the War Department by the Committee, absolutely failed. For that state of things Colonel Boxer was requested by the Secretary for War to provide a remedy. He increased the strength of the metal tube; but the cartridge would not then fit the chamber of the gun, which consequently had to be re-bored; and then the shooting of the gun failed, so that a third cartridge had to be made with a ball of diminished size, by which the shooting was restored. The rifle, after many alterations, had been

adopted; but it was still defective, and it had in some degree lost its power of penetration. The ammunition was moreover heavy, so that the soldier would be compelled to carry 9oz. more in his pouch than he was accustomed to do with the old ammunition. They were told that this was a cheap invention; but the ammunition was very dear, and it was of more importance to have cheap ammunition than to have a cheap rifle, because the former had constantly to be renewed and would consequently become a constant source of increased expenditure. Having stated those facts he would leave it to the House to say whether the subject was one which ought to be inquired into by a Select Committee. This was not the first time he had brought the subject under the notice of the House. Two years ago he had moved for a similar inquiry, and the occupants of the front Benches on both sides of the House united in opposing the Motion. Were they now, he would ask, prepared to take the same course? He hoped not. He trusted that right hon. and hon. Gentlemen opposite, at all events, having since regained their independence, would bear in mind that the present was no party question, and that if they desired to have the Estimates reduced, that object could be effected only by means of a thorough re-organization of our great military and naval establishments. It had been clearly shown in the late war in Germany that the supremacy of Prussia had been secured by the superiority of her military organization and the great efficiency of the needle-gun; and we might depend upon it that in the next naval war the power of that country would be in the ascendant which was able to produce the best ordnance, so that this was a question upon which the power, the greatness, and even the safety of the country must depend. These were the considerations which had induced him to bring the subject under the consideration of the House. It was a most important matter, and he felt he was only doing his duty to the country in moving that a Select Committee be appointed in terms of his Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the present state and condition of the Ordnance Department,"—(*Mr. Henry Baillie*),—instead thereof.

Mr. Henry Baillie

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN HAY said, that as the important question of the armament of the Navy had in some measure been intrusted to him since he had the honour of holding his present office, and as a considerable portion of the interesting speech of his right hon. Friend, in which he had endeavoured to show that the navy was inefficiently armed, might be regarded in the light of an attack upon the naval administration of the country, he felt called upon to make a reply to some of the statements to which the House had just listened. He thought it, in the first place, but fair to remind his right hon. Friend that in seeking to lead the House to suppose that the class of guns with which the *Liverpool* was now armed was the class selected by the Admiralty for adoption in the general armament of our ships he was unconsciously creating a false impression. The guns for that purpose, which had been determined on, not only by the present but by the late Administration, in concert with their scientific advisers, were those of the 9-inch, 8-inch, and 7-inch calibre, weighing 12, 9, 6½ tons, and the 64-pounder, all muzzle-loading rifled guns. Those were the four classes of guns with which, as soon as completed—and he was happy to say they were in a state of forward preparation—it was proposed that our ships should be armed, and not with such armament as that of the *Liverpool*, which was an obsolete vessel, now performing duties for which she was, no doubt, well adapted, but hardly a vessel we should expect to cope with the iron-clad ships of other nations. In addition, almost all the frigates intended for distant service had received a proportion of Woolwich guns. He had yet to learn that the opinion of naval officers, and of those who advised the Admiralty, was adverse to this class of gun. As a matter of fact, all the countries of Europe, with the exception of three, were satisfied to adopt the Armstrong guns with the rifling, interposing a soft metal between the gun and the shot. The French, it was true, had adopted the breech-loading gun, and had succeeded in firing shot from it; but it must be borne in mind that the French powder was one-fifth weaker than the English, for a 20-pound shot, with two degrees of elevation and 2½ pounds of French powder, would

be thrown only 829 yards; whereas, under the same conditions, the distance would be 1,034 yards if English powder were used. It was in some degree attributable to the weakness of their powder that the French were unable to avail themselves of the breech-loading system. He must at the same time observe, that at some trials which recently took place at Vincennes, for the purpose of testing a target for the construction of a ship, the French were unable to penetrate the targets with their guns, and were obliged to have recourse to the 9 and 7-inch English guns to complete the experiment. Such things were kept very close in France; but he had his information from a source on which he placed the utmost reliance. Prussia, he might add, was not as yet making many heavy guns, and had not decided on the description of gun which she should use for field service, and certainly not for her navy; much doubt being entertained as to the security of Krupp's steel, as several field-pieces had burst during the late war, and created considerable destruction among the Prussian troops themselves. Russia was still uncertain as to the course to pursue. The Government of that country commenced arming with Krupp's steel muzzle-loader, then changed to a breech-loader, and after a great number of guns were altered to breech-loaders, the system was found to be unsatisfactory, and if he were not mistaken, the Russian Government had been making inquiries in the North, not for a supply of guns from Elswick, but as to whether the Elswick Company would be prepared to set up a manufactory in Russia, with the view of manufacturing guns for the Russian Government. With the exception of these three nations—which for reasons not difficult to be understood, desired that the manufacture of artillery should be conducted on their own soil—almost all the other countries in Europe, and indeed, in the world, were customers, or in treaty to become customers, of the Elswick Company for guns made on the Armstrong principle, and rifled on the Woolwich system, or an analogous system. Austria was adopting the Woolwich system, and her officers were in this country making inquiries with regard to it; it had likewise been adopted by Italy and Spain. Egypt, which had one of the most accomplished officers at the head of its Ordnance Department, had adopted the Woolwich system exclusively for land and sea service. The same system had been adopted by

Turkey, by Denmark since 1864, by Holland, Norway, Chili, and Peru. Brazil, it was true, had not adopted it, but he understood that a Committee of Inquiry had lately been formed in Brazil to ascertain, whether the class of guns adopted there was the most satisfactory that could be selected for the country. It was likewise true that the United States had adopted another system, the guns of that country being generally cast-iron guns. All the ships in the fleet of the United States were generally armed with smooth-bored guns; but he believed that this arose not from any desire on the part of the United States to use them in all cases, but rather from the fact of a great stock being in hand, and from the temporary pressure of circumstances, which rendered that country unprepared at the time to make the class of guns it would rather have desired. His right hon. Friend had been misinformed on the subject of the carriages for these heavy guns. [MR HENRY BAILLIE: I spoke of gun-carriages for coast defences.] Well, he dared say that the Secretary of State for War would be able to give his right hon. Friend some information on that subject; but he suspected that the same course was taken in testing the strength of the gun-carriages for coast defences as for the navy. The course pursued was to have all parts of the carriages duly considered by competent authorities composing a committee of investigation. The strength of the various portions of the carriages was properly examined into, as well as the capability of the carriages for running the guns in and out well, and he believed that the gun carriages of the navy would be found by experience to be satisfactory and durable—though, of course, he would not say that no improvement could ever be made in them. His right hon. Friend had alluded to the Ordnance Select Committee, and had—doubtless unintentionally—left the impression on the minds of many Members that that Committee was a body of inventors, and was not therefore an impartial tribunal for deciding on the inventions of others. The fact was the Members of the Committee were not inventors, and not one of them had ever held, or had ever attempted to hold, a patent. General Lefroy, the President of the Ordnance Select Committee, had expressed in strong terms his opinion that nothing could be so unsatisfactory to the country as the notion that the gentlemen acting upon the

Ordnance Select Committee, and who were paid by the country to be judges of the inventions of others, should themselves be inventors of the very arms on which they were called upon to judge. It was therefore too hard on the members of the Ordnance Select Committee to suggest that they acted in the double capacity of inventors and judges, and he wished the House to understand that that body assembled with clean hands to judge of any subject brought before them. His right hon. Friend had acknowledged that ten years ago the Government were right in adopting the Armstrong gun, as it was the best rifled gun then obtainable. No doubt rapid improvements had since taken place, and whenever they were satisfactorily established, the Government, doubtless, would adopt them; but it would be absurd to spend large sums of money in reversing a system already adopted until the superiority of some other system was satisfactorily proved. Though certain manufacturers had produced guns almost equal to the gun now in the navy and field artillery of this country, yet the Woolwich system as it now existed was acknowledged on all hands to be superior on almost all points, and where it was not superior it still had such advantages that the country might be satisfied with the arms adopted.

LORD ELCHO said, the right hon. Member for Inverness-shire had done good service in bringing this question under the consideration of the House, and asking for the appointment of a Select Committee. When the Army Estimates were under discussion last week, he (Lord Elcho) had ventured to make some statements with respect to the small-bore rifles and the Lancaster large-bore system of rifles which were questioned at the time, and he therefore wished to refer to them now; but first of all he would observe, in reference to what had been said about the Ordnance Select Committee, that the House must not look so much to that Committee as to those who had the control and command of it. If the Secretary for War judiciously exercised his authority in controlling the Committee—if the War Minister would always look carefully into the Reports of the Committee, and accept them when they were sound and right, he believed there would have been a better state of things than had hitherto existed with regard to the manufacture of guns. The statement which he made the other night, to the effect that the Ordnance Com-

mittee on Small Arms had reported very strongly in favour of one description of rifling and against the other two used in the service, and that the Secretary for War did not act on the Report, but allowed for two years an arm not reported on as being the most efficient to be manufactured, was questioned. However, on referring to the debate which took place in 1864-5, he found that he had then stated that from the time of the Report in 1862 between 100,000 and 120,000 stand of the inferior arms had been made. That statement was not denied at the time by the noble Lord the then Secretary for War (Earl de Grey and Ripon), who gave as his reason for not acting upon the Report that a description of arms was in the course of invention which might possibly turn out better. That he (Lord Elcho) held was no sufficient reason whatever; and he certainly thought that with respect to small arms the country would have been in a better position if the noble Lord had exercised his discretion in a different way. One might state other cases where, by a judicious exercise of power on the part of the Secretary of State, good results would come, as well as cases where, by an injudicious exercise of that power, bad results had followed. Take, for instance, the premiums offered as inducements to gunmakers. In former years these premiums were so small that there was the greatest difficulty in getting them to come forward; but now, owing to the constitution of the Committee now sitting, and the change in the premiums offered, instead of there being any difficulty as to competitors there were something like ninety, and the difficulty was to sift them. Then, again, officers in departments had been allowed to patent inventions, and the result was that inventors were shy in producing inventions which they feared might be pirated. He referred to this subject last week, and he was afraid some misunderstanding had gone abroad, which had rather hurt Members of the Ordnance Select Committee; for it was supposed he had said that Members of that Committee patented inventions. He did not say that; but he said that officers in departments of the Government had done so. What he said about the Select Committee was that the Woolwich gun was a hybrid, or composite gun—as regards its grooving it was French; as regards its construction it was, he believed, a simplification of Armstrong's gun; and it

Sir John Hay

combined with that the coating of the gun taken from the patent of Lancaster and Humes, and for which they received from the Blakeley Company an allowance of something like £1 per ton. Another thing was injudicious with reference to the gun manufacturers. It was stated by the Secretary of State for War that there would be no objection to the renewal of the oval-bore patent; but objection was raised subsequently and in the most direct terms; indeed, the Solicitor General resisted the renewal of the patent on the part of the Government at a cost to the inventor of something like £800, and this after a declaration made by the Secretary of State for War that there would be no opposition to the renewal of the patent. Then, as to the power exercised by the Secretary of State over the Committee, it should be remembered that in 1859 we had no rifled gun—nothing but smooth-bores. The Italian war took place; the French had a rifled gun which, it was supposed, was very destructive in its effects; the right hon. and gallant Gentleman (General Peel) felt the necessity of our possessing a similar gun, and he adopted the Armstrong into the service. No doubt there had been defects in the Armstrong, but it was the only rifled gun almost in existence then; and his right hon. Friend was not only justified in adopting it, but would have been very wrong if he had not taken on himself the responsibility of ordering the manufacturing of that gun. His right hon. Friend the Member for Inverness-shire had spoken of rifled artillery; but he did not propose to touch on that subject. He had also alluded to the armament of the navy, which he considered defective. His hon. and gallant Friend the Lord of the Admiralty had, on the part of the Government, replied to the argument with reference to the armament of the navy; but his reply consisted in pointing out what had been done by other nations, and showing that, as regards rifled guns, England was, on the whole, as far advanced as any nation on the Continent. The House must, however, have remarked that his hon. and gallant Friend touched very lightly on what seemed a strong point in the speech of his right hon. Friend—namely, that relating to American ordnance. His right hon. Friend pointed out that the Americans had much larger guns; the answer was that they were cast-iron guns. They had a lot of the material, it was said, they

wanted to make it up, and they made it up in this shape.

SIR JOHN HAY said, he had spoken with reference to the number of guns, and they would be in no hurry to make more.

LORD ELCHO understood his hon. and gallant Friend to add that they would very soon adopt the European system, or the Woolwich gun, or something of that kind. The Americans had in their possession 1,500 15-inch guns; 200 22-inch guns throwing a 1,000 lbs. shot, and carrying a charge carrying from 150 lbs. to 200 lbs. We had nothing to compete with that. We had 7-inch guns rifled and 9-inch guns rifled, throwing a shot of 280 lbs.; but we had no large bore guns at all. On the 27th of April, 1866, he had moved for a Return [*Parl. Paper No. 220*], showing the number of rifled guns we possessed, and the injuries they had sustained in trial—a Return which he recommended to the attention of every one who wished to obtain full information on the subject. But he had here a statement, on what he considered high authority, or he would not give it to the House, of what we really possessed in the shape of large artillery. We had five 13-inch guns, of which two had burst—that is, they became so fissured as to be unserviceable. The third burst at the seventh round; the fourth had also burst; and the fifth had not been tried. There was a 12-inch gun at Paris which people admired very much; but it had not yet been tried. A number of guns had been ordered to be rifled on the British system. It would be in the recollection of the House that the right hon. Gentleman opposite had given orders for the manufacture of an oval-bore gun on the recommendation of Captain Campbell, who regarded that system as the only rifling likely to succeed with large guns. What he was anxious to point out to the House was that if the American system was right, that of this country was wrong. It seemed to him that we had fallen between two stools. The Americans had enormous guns of a superior quality of iron-cast in a peculiar manner, the interior of the gun during the process of casting being cooled by a hollow tube through which water flowed. These guns could be manufactured for £800 each, whereas those made by us of wrought-iron cost £4,000 each. Knowing that the Americans had these guns, we thought we would try to obtain a rifled weapon of greater penetrative power. The result of

our endeavours to improve upon the American system, however, was that we had nothing to equal the large 20-inch American guns. In 1862, too, a striking instance occurred in this country of the destructive effects of powerful guns propelling heavy shot with enormous charges of powder. In the first case, one of Whitworth's guns sent a shell through an iron target, and in the second the large gun known as the Horsfall gun, smooth-bore, a 600-pounder, manufactured by the Mersey Steam and Iron Works Company, sent a spherical shot through the *Warrior* target as if it had been a piece of brown paper, making a hole as large as a port-hole, the shot passing through with such force as to make it certain it would have penetrated a second target of equal resisting power. The principle adopted by the Americans was to make enormous guns, capable of propelling shot of crushing weight by tremendous charges of powder, to be used at short ranges of 200 or 400 yards. The battle of Lissa was a hand-to-hand fight, the guns being fired at close quarters; and in such a case the American 15 or 20-inch guns would have an overwhelming superiority over our 9-inch guns. He understood that either the Ordnance Select Committee or the Government had recently sent over for one of these large American guns for the purpose of conducting experiments with it; but the fact remained, that while the Americans possessed 1,500 15-inch guns and 200 20-inch guns, this country did not possess a single gun of those calibres—although it was of the first importance that the naval force of this country should be at least equal to that of America, whose ordnance was certainly superior to that of any other country. He could not help thinking that we should take America as our standard in this matter. He had been told by practical mechanics that the best course for the Government to adopt was to ascertain the mode of rifling that was suitable for large guns; because although a system of rifling that answered efficiently for a small calibre, often failed when applied to a large calibre, yet a system that would answer with large guns was sure to answer with guns of an inferior calibre. The maximum calibre that could be rifled with safety having been ascertained, it would become necessary to have smooth-bore guns of still larger calibre. While supporting the Motion of the right hon. Gentleman opposite, he thought that

much more might be done by energetic action on the part of those in high places than by the appointment of a Select Committee. His excuse for having occupied the attention of the House for so long was his anxiety that this country should possess the best gun that could be obtained. England was supposed to be the greatest manufacturing country in the world, and yet, somehow or another—for some unexplained reason—it was always lagging behind in such matters as these; and the First Lord of the Admiralty and the Secretary for War were continually endeavouring to show, not that this country was far in advance of the rest of the world with regard to materials of war, but that we were rather in advance of our neighbours in that respect than otherwise. In many matters other countries were showing us the way. Thus, we had neglected to try the half-moon batteries on board ship because it involved an expense of £60,000 to carry out the necessary experiments; we had rejected the Palliser system, by which a cast-iron gun was tubed with wrought-iron; and we had declined to adopt the Parsons gun, of which the Emperor of the French had directed a number to be manufactured. He hoped that public attention would be directed to the subject, and that whatever might be done the result would enable this country to occupy the position to which she was entitled, and which it could scarcely be said that she at present held.

GENERAL PEEL: I rise, Sir, to reply to that portion of the speech of my right hon. Friend behind me (Mr. Henry Baillie) which refers to the introduction of the Armstrong gun, for which I am more immediately responsible. After the manner in which that gun was reported upon by the Committee that sat in 1863, I should have thought it unnecessary to say a word upon the subject; but my right hon. Friend has insinuated—if he has not made a direct charge to that effect—that some undue preference was shown towards Sir William Armstrong. I think it therefore right to state the circumstances attending the introduction of the Armstrong gun into the service. When I was appointed Secretary of War in 1858 the Ordnance Select Committee consisted of the Director General of Ordnance and several heads of departments. I found that although the Armstrong gun had been submitted to that Committee as far back as 1854, together with several other systems of rifling, and

although there was in existence a Minute made by my predecessor in office (Lord Dalhousie) stating that, in consequence of the satisfactory results of the Armstrong gun, he had ordered an additional battery for trial, still we had no rifle guns in the service. I asked the Director General how long it would take to determine which was the best rifled gun. The reply was that it would take several years; and that reply was no doubt correct. But still I could not wait that time, and, moreover, I had no intention of waiting, because by so doing we should have been behind every other country in this matter. I therefore determined on the immediate appointment of a Select Committee, and the question is, whether the Members of that Committee were fairly chosen or not. I applied to the Commander-in-Chief to recommend me the most scientific officers in the artillery and engineers; and I made a similar application to the Admiralty for the names of naval officers best known for their scientific attainments. The gentlemen so returned were appointed by me; and in the course of a short time they reported that the Armstrong guns were as superior to other patterns as the latter were to the guns then in use; but the investigations extended only to field guns. They recommended that no larger pattern of the Armstrong gun should be made without further test; 180 guns were therefore ordered, and on the recommendation of Lord Derby further experiments were instituted. I think we have had a strong example this evening how careful Members ought to be before making personal accusations. My right hon. Friend (Mr. Henry Baillie) has stated that the late Sir Benjamin Hawes was personally interested in the Elswick Foundry, and that Sir Benjamin had two relatives connected with that firm. My right hon. Friend ought to be more cautious in his statements, because Sir Benjamin had no relative or any person connected with him in the firm, nor did he interfere in the matter in any way. I am enabled to state this on the authority of a member of the Elswick firm. I was, I believe, perfectly justified in adopting the Armstrong gun in the first instance, seeing that it was at the time the best gun known in any service in the world. So far therefore for the introduction of the gun. In consequence, however, of what occurred, I directed a change in the constitution of the Ordnance Committee, and I recommended that its members should be

selected entirely on account of their scientific attainments, and that none of them should be inventors or holders of patents; and that rule has, I believe, been strictly adhered to up to the present moment. My right hon. Friend is wrong in what he has stated with reference to the conversion of small arms. He said that the change in our small arms had been adopted in consequence of the late events on the Continent. That is, however, a mistake. The fact is that its adoption had been determined on before, and provision was made in the Estimates for converting 40,000 in the last financial year. I simply carried out the recommendations of the Committee by ordering the conversion of a sufficient number of weapons for the supply of the whole of the army. The converted rifle shoots better than the present Enfield, and is, I believe, superior to any other rifled small arm. When we wished to get a new small arm we offered great prizes to induce people to come forward and submit their inventions for our examination, and if you are not satisfied with the selection we have made the remedy is not the one now suggested. I hope that the House will place confidence in my right hon. Friend the Secretary of State for War. If you are not satisfied you can move a Vote of Want of Confidence; but the House will not, I hope, interfere in the manner proposed and appoint a Committee, which will in any case bear no responsibility whatever.

MR. SHAW LEFEVRE said, that having been in America last year, he could bear testimony to the fact that of the guns of which the noble Lord (Lord Elcho) said 200 had been manufactured only two had then been made. A third was in course of construction, and he was told that a contract existed for the construction of fifteen in all; but that that contract would never have been entered into but for the war. It was also extremely doubtful whether guns of such a size could be carried by any existing vessels. His noble Friend had recommended our following the example of the Americans; but the experience of the American war was, he thought, rather in favour of our system. The power of the 15-inch guns had been over-estimated, and no greater proof of that fact could be found than the engagement which took place between the Confederate iron-clad the *Tennessee* on the one side and four *Monitors* in Mobile Bay. In that engagement the vessels fought at a

distance of ten to fifteen yards. The *Tennessee* was repeatedly struck, her adversaries carrying 15-inch guns, but no shots penetrated. One of her plates—of 6-inch railway iron, by no means so strong as those used by ourselves—was broken, but no shot entered her hull. The *Tennessee* ultimately surrendered, not because she was disabled by shot, but simply because she was so shaken that her crew were unable to continue the engagement. He had seen the vessel itself after the engagement, and found her unhurt. He mentioned this fact as an illustration of the inferiority of the American guns, and he trusted that the Government would exercise great caution before adopting their system.

SIR JOHN PAKINGTON: I entirely concur with my noble Friend the Member for Haddingtonshire (Lord Elcho) in the opinion that my right hon. Friend the Member for Inverness-shire deserves great credit for the ability and perseverance with which he has brought this question before the House. I cannot, however, avoid expressing a hope that my right hon. Friend will be content with the discussion he has elicited, and will not press his Motion to a division. In fact, no better argument in favour of such a course can be adduced than those which are to be found in the speeches of my right hon. Friend himself and my noble Friend the Member for Haddingtonshire. My noble Friend the Member for Haddingtonshire devoted a considerable portion of his speech to finding fault with the Ordnance Select Committee.

LORD ELCHO said, he had said nothing about the Ordnance Select Committee. He had simply said that the responsibility of their proceedings rested with the Secretary of State for War.

SIR JOHN PAKINGTON: My noble Friend admitted at the close of his speech that we were at least adopting a sound course, and that I think may be taken as a reason for not pressing the Motion before the House, the adoption of which might be inconvenient to the public service. The present state of this question, I can assure my right hon. Friend (Mr. H. Baillie), is clearly not such as to require the intervention of a Committee—indeed, a Committee would only paralyze the exertions now being made, for it would be impossible to conclude the desired inquiry this Session, and the question would then remain unsolved until some time after

Parliament had again assembled. With reference to the question of responsibility, I quite assent to the principle that the responsibility should not rest on Committees or Commissions, and the Minister alone should be responsible to Parliament and the country for any decision finally come to, and I have no hesitation in stating that I am this moment, to the best of my ability, considering changes which I think may tend to the public advantage; I may also assure my right hon. Friend that experiments are being continued at this moment; and as I, from the short time I have held the office more particularly concerned, can claim no credit for the fact, I may say that the conduct of the Ordnance Department shows that it is most anxious to perform its duties with respect to this important question. My noble Friend spoke of a number of 13-inch guns which he said had burst on trial; but he was quoting from a paper which only gave the experiments which had been made, and did not give the successful results. The same remark applies to what he said of the 9-inch guns, and I think the House should infer from the whole of his remarks upon this subject that great difficulty and many failures have been experienced in the endeavour to provide the country with an effective 9-inch gun. And, although many such guns have burst on trial, we have other 9-inch guns from which upwards of 1,000 rounds have been fired; and we have now a very large and rapidly increasing supply of 12-ton 9-inch guns well fitted for the service of the country either on land or sea. My noble Friend suggested that we should test guns one against the other. My answer to that is that a comparison was made a long time ago between, I believe, a 7-inch rifled and a 9-inch smooth-bore gun, and the result of that comparison has been the acceptance of the 7-inch rifled gun as that best adapted for the navy.

LORD ELCHO: I suggested a comparison with respect to the 15 and 13-inch guns, which, I believe, has never been made.

SIR JOHN PAKINGTON: My noble Friend, however, must admit that the Department has shown that it has no objection to any fair competition. Some surprise was expressed upon a former occasion that the recommendation of the Committee with respect to the Lancaster gun had not been acted on; but the delay in this respect has arisen from the illness

of Mr. Lancaster himself. The Department was disposed to act on the recommendation referred to; but Mr. Lancaster wished to make some alteration in the system of rifling, and the Committee acceded to the request to delay operations. Mr. Lancaster, however, has been too ill to suggest the alterations he desired, and after corresponding with an agent of his, we have been carrying out the experiment by following the system of rifling originally adopted by him. Simultaneously with that experiment three other guns are being tried in comparison with the Woolwich gun. Here I may say, with respect to my noble Friend's assertion that the Woolwich gun is a composite affair, parts being borrowed from one invention and parts from another, that the incident shows, if it shows anything, how anxious the Ordnance Department is to procure a good gun, no matter from what quarter it may come. My noble Friend I am sure would be the last to blame the Department for excess of zeal. [Lord ELCHO: I do not blame it for excess of zeal.] I feel under some difficulty in answering my right hon. Friend, inasmuch as the notice he put upon the Paper did not exactly indicate the nature of the speech he intended to make. The Motion is for a Committee "to consider the present state and condition of the Ordnance Department," which I think points rather to the present constitution of the Department than to the results of its labours; and in the early part of his speech he seemed to entertain the opinion that the amalgamation made at the time of the Crimean war between the War Office and the Ordnance Department was an error. My right hon. Friend does not stand alone in having that opinion; but the question raised by the expression of that opinion is a very large one; it cannot be hastily disposed of, and, although I am far from saying I am in favour of returning to the state of things existing before the amalgamation, I would add that the subject is a fair one for consideration when the various recommendations of Lord Strathnairn's Committee come under consideration. The Ordnance Committee has been objected to upon the ground that some of its members are inventors; but, as I had something to do with the Committee when holding office in the Naval Department, I may be deemed competent to form a judgment of the gentlemen upon it, and I must say that I think the Ordnance Select Committee are

entitled to the confidence of the country; I believe its members are most competent men and entirely disinterested, devoting their knowledge and experience to the public service. My right hon. Friend must excuse me if I do not follow him in his remarks upon the connection of Sir Benjamin Hawes with the Ordnance Committee. I am sorry that my right hon. Friend should have made remarks which have the character of a severe censure upon one who is now dead, and cannot answer any charges which may be brought against him. My right hon. Friend made it a subject of complaint against the Ordnance Committee that they are not to be trusted to make trials, and he touched upon a case in which I myself was concerned; I refer to the appointment of another Committee for the trial of small arms. But by assenting to that course I did not intend to throw any doubt upon the honour or competence of the Ordnance Select Committee. My right hon. Friend must know how very numerous inventors are, and consequently how prone they are to doubt both the wisdom and fairness of any decision come to. Accordingly, when I found that some of the inventors who were coming forward with small arms to be tried were persons whose inventions on a former occasion had not been accepted by the Ordnance Select Committee, and who in consequence strongly doubted the wisdom of that Committee, I thought it better, wishing to afford no possible room for any questioning of the fairness of the tribunal, that the task of deciding upon the merits of these numerous small arms should be intrusted to a newly appointed body. And I have every reason to rejoice at what I did. For, in the first place, it is impossible for any inventor, however much he may be disappointed, to question the perfect fairness and impartiality of the tribunal; and, secondly, the Committee, of which Colonel Fletcher is at the head, has conducted its inquiries in the most admirable manner, and in a mode which is above suspicion from any quarter. My right hon. Friend threw a great deal of blame on our present field artillery, and in support of his arguments referred to the Report of Colonel Maxwell, an officer now in India, of considerable experience with regard to those arms. If my right hon. Friend does not already know the fact it will be satisfactory to him to learn that the opinions of Colonel Maxwell have been by no means

disregarded or treated with contempt. Communications have passed between the Government of India and the Ordnance Department here; and at this moment, in consequence of those representations, the whole subject of altering the character of our field artillery is under serious consideration. My right hon. Friend also made it matter of accusation that when some time since there appeared to be danger of a rupture between Spain and this country we had only two 13-inch guns ready to send out, and that these required re-rifling. My right hon. Friend must know that if we are to have our artillery defences efficient there cannot be one kind of ammunition for one gun and another for another. It certainly was in contemplation to alter the rifling of these 13-inch guns; but it was not to those the Government trusted for strengthening the defences of Gibraltar: on the contrary, there were fourteen 9-inch 12-ton guns quite fit for the service and ready to be sent out; and their departure was only delayed through the necessity of waiting for the gun-carriages, which were being supplied as rapidly as possible; and the necessity for this delay turned entirely on the recent adoption of a carriage, which is made of iron instead of wood. My right hon. Friend also committed an unintentional mistake as to the cost of these new carriages, which he placed as high as £600 apiece.

MR. HENRY BAILLIE: I said I did not know what they would cost, but I thought they might cost that sum.

SIR JOHN PAKINGTON: Then I am sure he will be very glad to learn that they will not cost anything like that sum. Between thirty and forty of them are being made by contract at a cost of £470 apiece, which is a good deal less than my hon. Friend supposed. These carriages are being made by the Elswick Company; at the same time a large number are being made in the Arsenal at Woolwich as rapidly as the strength of that establishment admits. I have now, I think, touched on all the material points in the statement of my right hon. Friend into which it is desirable that I should follow him; and I have only to express my earnest hope that he will not think it necessary to press this Motion to a division, but will be satisfied with the good effect which I quite admit that a discussion of this nature always produces. Another reason why I submit my right hon. Friend should not press his Motion at the present

moment, is that in consequence of the suggestion made to me by the noble Lord opposite the Member for North Lancashire (the Marquess of Hartington), I thought it my duty to lay on the table the full correspondence which has passed with Mr. Whitworth. Of Mr. Whitworth's abilities I wish to speak with every respect; but a great deal of controversy has taken place between him and the War Department. Some days have now elapsed since I laid upon the table the Reports and correspondence fully and fairly showing what had passed on the subject; those papers will very shortly be in the hands of hon. Members, and of course additional and not uninteresting information must be afforded by their contents. Under these circumstances my right hon. Friend, I hope, will not think it necessary to press his Motion to a division.

MR. NEWDEGATE said, he thought his right hon. Friend had rendered great service by originating this discussion. There had been two great instances of success in arming the country at short notice—one in 1854, when an admirable Ordnance Committee existed, it consisted of the late Lord Hardinge and the Duke of Wellington. Another had existed with almost equal success quite recently. It consisted of his right hon. Friend the Member for Huntingdon (General Peel) alone, and he was successful in providing a rapid supply of small arms. In both cases the secret of success lay in the fact that those in authority were content to provide the country with the best arm then invented, instead of incurring needless vexation and constant expenditure in attempting to arrive at an impossible perfection. The heads of Departments were so apprehensive of the imputation of having spent money wastefully, that the country was left without proper arms. He thought the Government would do well if they increased the quantity of Snider rifles, for it was the best arm that was now made, and he looked with apprehension to five or six years of insufficient supply whilst something better was invented. He trusted the days were past when Ordnance Committees would be held responsible. None could be properly responsible but the heads of Departments. He (Mr. Newdegate) was confident that the appointment of the Trial Committee would put an end to the dissatisfaction existing in various quarters among persons who believed that their inventions had been

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pirated by the members of the Ordnance Committee to which they were submitted, since these Trial Committees consisted of officers of the army, who had nothing to do with the making or altering of any arm, but were employed simply to test its usefulness in the hands of the ordinary soldier. Could any person doubt that inventions had been pirated? He himself had shot with four patterns of the Enfield rifle before it ever was christened by that name, the weapon having been invented and the patterns made by Mr. Westley Richards. The Woolwich cannon again was said to be a combination of several inventions. Why should not the authors of these gain the credit they deserved? Under the arrangements made by the right hon. and gallant General the Member for Huntingdon, inventors would not only hereafter be compensated for their ability in the first instance, but would get the credit of their own work. The real significance and satisfaction attendant on the appointment of the new committee, however, was that the tribunal consisted, not of persons having a knowledge of mechanics, but of military men who judged of the merits of a weapon by its performance in the hands of soldiers. The War Department, he trusted, would not slacken its exertions, or begin afresh the system of waiting for other patterns than that of the Snider rifle, which had been proved efficient, seeing that this country only possessed one-half the quantity of breach-loaders which ought to be forthcoming.

MR. HENRY BAILLIE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered in Committee.*

(In the Committee.)

(1.) £267,067, Coast Guard Service, Royal Naval Coast Volunteers, and Naval Reserve.

ADMIRAL ERSKINE: Mr. Dodson—Sir, I rise, in pursuance of notice given at the beginning of this Session, to call the attention of the Committee, before passing this Vote, to the state of the Royal Naval Reserve, and I do so with less reluctance than I should otherwise feel to trespass on their time, because I have remarked

with surprise that neither in the able and otherwise comprehensive speech of the noble Lord the Secretary of the Admiralty (Lord Henry Lennox) in introducing the Navy Estimates, nor in the various discussions to which they give rise, has one word been said on a subject which many feel must be our great difficulty in the event of again being engaged in war—namely, the having at command such an organized body of disciplined seamen as might enable us to undertake, at the earliest possible moment, either offensive or defensive operations. This omission, it seems to me, must result from one of two causes—either a feeling that the subject is so difficult a one as to make it impossible to approach it with any hopes of a solution, or a conviction that our present system is so perfect as to admit of no improvement, and, consequently, to call for no comment. It is because I cannot subscribe to either of these opinions, that I presume to trouble the Committee at all on the subject. It would be a waste of their time were I to descant on the difficulty we have always experienced in raising suddenly our peace establishment to a war footing; because we all know that in former wars, with the exception of the last which could not be properly termed a naval war, it has obliged us to have recourse to the most odious and unfair mode of conscription ever devised, that of impressment; a tradition of which still exists in the merchant navy to the prejudice of the public service, but of which I trust we have seen the last in practice. But if our difficulties were great formerly, it is not likely they should be less in times like the present, when from our great commercial prosperity and the rapid increase of our trade, rapid beyond all precedent, the services of every man who adopts a sea-faring life become the object of keen competition, thereby raising wages, encouraging strikes—a new practice among seamen—and giving rise to complaints of what I cannot but think is erroneously called a scarcity of seamen, which complaints only amount to an assertion of the not ungratifying fact, that the increase of our trade is more rapid than that of our maritime population. But although our difficulties are thus increased by circumstances which ought not to be causes of regret, but rather of congratulation, it seems to be not the less incumbent on us in these times of prosperity to attempt to devise some scheme which should enable the

establishments of the country to be quickly placed on a war footing when required, and which should also tend in some measure during peace to supply the great and increasing demand for seamen for the merchant service. I pass over the Coast-guard, which had been incorporated with the navy, and only allude to the Coast volunteers to express my regret that a force originally established for coast defence, so as to liberate a portion of the regular navy, has been, by the repeal of a clause which prevented the employment of the men at a greater distance than 300 miles from the shore, altogether diverted from its purpose, and is dwindling away. The Naval Reserve, therefore, is the only force to which we can look for the supply of men to the navy in case of emergency. That force was established by Act of Parliament in 1859-60, which authorized the Board of Admiralty to raise, and from time to time to keep up, a number of men not exceeding 30,000, (the number for the last four years having been 16,000), to make them a periodical payment or allowance, and to pay and provision them in addition for the twenty-eight days' drill in the year for which they were to be called out. The Act further authorized Her Majesty, when she should deem fit, to order the whole or any part of these volunteers to be called into actual service, first communicating with Parliament if sitting; or, if not, by issuing her Royal Proclamation. The annual payment was fixed by the Admiralty at £6, and the wages and allowance for provisions during the twenty-eight days at £4 4s., the former sum being considered a retainer to secure the services of the man in the event of war, and the latter a remuneration, not, the Committee will remark, for any services rendered by him to the State, but for consenting to allow himself to be instructed in the use of two or three descriptions of weapons, a sufficient acquaintance with which is thus acknowledged to be attainable in eighteen days drill—twenty-eight days less Saturdays and Sundays and two days for travelling to and fro—in all, ninety hours, in the year. The time of enlistment is limited to five years, at the option of the men, and in the seven and a half years' existence of the force, about 3,000 men had taken advantage of this provision, and having received £50 of the public money, without doing any service in return, had taken their discharge free

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from any future obligation. Those who have been in the force since its enrolment will have received £71 8s., and should they go on two or three years longer, a large proportion of the existing force of 16,000 men could claim their discharge, having received £101, and not having done one day's service. But in addition to the £10 4s. per man there were other expenses, including subsistence, allowance for officers, medical fees, targets, and repair of arms, which brought the whole amount for this year up to £212,561 as compared with £210,769 last year. The whole cost therefore was about £13 5s. per head, or little more than half the wages of a naval seaman who entered for non-continuous service, instead of £6 per head, which the country is led to believe is the cost of this reserve. The cost of the Royal Naval Reserve for consecutive years since its establishment has been as follows:—In 1860-1 (during which year we also paid £218,000 in bounties for seamen raised in 1859), £101,000; in 1861-2, £107,949; in 1862-3, £176,000. Up to this time the number of men enrolled is not mentioned in the Estimate; but in 1863-4 the maximum of 16,000 men, for which retainers and drill-pay were voted, was attained, the sums being, annual retainer for 16,000 men, £96,000; drill-pay, 1s. 8d. a day, for ditto, £37,333; making a total of £133,333; and this sum has been annually voted since. The whole expense, however, for 1863-4 was increased by the items I mentioned above, and the addition of pay and provisions for the means of instruction ships, building and repairing batteries for drilling the men on shore, &c., to £194,000, making a surplus for what may be called contingencies of £61,227. It might be supposed that the number of 16,000 men not having been exceeded since then, the expense would also have reached its height; but this has not been so, for in 1864-5 the contingencies amounted to £72,606, and the whole sum voted for that year was £205,939; in 1865-6, £206,627; in 1866-7, £210,797; and we are asked this year for £212,561, making an excess over retainers and drill-pay (a portion of it certainly owing to the increased price of provisions) of £79,228 against £61,227 in 1863-4. The whole expense, exclusive, however, of some small sums voted in the Civil Service Estimates, of the reserve since its formation has thus been £1,415,479, without the country having

received a single day's service from any one of its members.

The first consideration which suggests itself on looking at this large expenditure is, how can we hope, whilst we are thus paying merchant seamen annually £10 4s. a head to keep out of the navy until the Queen's Proclamation shall be issued, either to supply the wear and tear of the fleet—which the number of boys we annually bring forward certainly does not do—or to increase the number of our men in the event of some contingency occurring not of sufficient importance to alarm other countries, by so strong a measure as issuing the Royal Proclamation, amounting almost to a declaration of war. A pamphlet, known to be the production of the noble Duke lately at the head of the Admiralty, in speaking of this force says—

“The measure has been attended with another good result. It has brought the Mercantile Marine into closer connection with the Royal Navy, and has tended to remove prejudices which in former years seriously interfered with the manning of our fleets.”

So far from this having been the case, even the strongest advocates of the Naval Reserve allow that whatever advantages we are to look to in the event of a war, we have cut ourselves off from all supply of seamen during peace time, as Returns of enlistments from the Merchant Service will show; and we have, in fact, drawn a broad line of demarcation between the two services which, among other disadvantages, obliges us to maintain a larger force of continuous service men (enlisted for ten years) than we might in a time of profound peace require—such continuous service men, be it remarked, being paid on an opposite principle to that usually adopted in the remuneration for labour, receiving, as they do, a higher rate of wages for a continuous and unremitting engagement than for shorter and less certain employment.

The next question to consider is, supposing the Queen's Proclamation issued, and the men called out, how many can we expect to collect in a reasonable time without coercive measures? Certainly not the whole, because a large number are always absent on long voyages, and with respect to those actually in the home ports, I am sorry to say an impression prevails among many naval officers who have been employed in the duty of instructing them, that a large number would make strenuous efforts to avoid fulfilling

their obligations. The late first Lord of the Admiralty in the pamphlet I have alluded to, which has deservedly attracted much attention among naval men, states, what, no doubt, he believed to be the fact—

“The high patriotic spirit of these men was evinced when the seizure of certain persons on board the steamer *Trent* rendered necessary naval preparations. At that crisis the seamen of the Royal Naval Reserve sent memorials and letters to the Admiralty, declaring their readiness to embark at once in defence of their Queen and country.”

On this subject, an officer of great intelligence, who was most enthusiastic and active in getting up the Naval Reserve, wrote to me in January last, before I had seen the pamphlet referred to, and, indeed, I believe, before it was printed, as follows:—

“I was serving in the instruction ship at one of the Northern ports, when the news reached England of the notorious *Trent* affair. Our captain was very anxious that the Royal Naval Reserve at the port, including those on drill at the time, should make a demonstration by way of giving a proof of their value in time of war, and requested me to get the gunner of the ship to speak to some of the leading men amongst them, to get up a meeting on board to make an offer of their services to the Admiralty through the captain. The meeting was got up accordingly, and I attended it in capacity of reporter for the press. At the captain's request one man was quickly voted into the chair, and a capital speaker he was. He harangued them for a considerable time as to the duty that devolved on them of making an offer of their services to man one of Her Majesty's ships, and show the Yankees what stuff British sailors were made of, &c., &c., and concluded by requesting every man who was willing and ready to defend the honour of the British flag to hold up his right hand. There was just one hand held up. It was the speaker's own. For a moment he seemed as much surprised as I certainly was. Yet he had evidently been prepared for such a catastrophe, for he promptly added, ‘I tell you what, men, you all know me as well as I know you, and I would no more hold up my hand to go on board a man-of-war than you, but I know very well they don't want us and won't have us; but the other chaps have offered and surely we won't be behind them; besides I tell you that our good old captain wants us to offer, and I am sure you all trust him, so up hands, men!’ Up went the speaker's hand, and slowly, one after another, till I dare say, the half of them were up, and the meeting was over. I wrote the letter to the captain embodying their hearty patriotic offer, which was duly forwarded to the Admiralty and elicited as it deserved an highly eulogistic letter of thanks from their Lordships, but declining, for the present, their services.”

Another officer, who had been similarly employed, writes to a friend of his, who sent the letter to me—

"22nd January, 1867.

"I hasten to reply to your letter, more especially on the subject of the Royal Naval Reserve than on any other. However good the original promoters of the scheme thought it, lapse of time will, I think, tend to prove that the whole affair is a delusion. It is my impression, and always was, from the period of my first becoming associated with it, that were the country to require the force to man her navy, not one tithe of them would respond to the call. I do not give them credit for sufficient patriotism to voluntarily emerge from their avocations to seek service in men-of-war, and I believe it would be a matter of great difficulty to find out the residence of a very great number of Royal Naval Reserve men, as they would naturally resort to all sorts of subterfuge to baffle the authorities seeking them; amongst others, would join merchant ships, and go hence, and be no more seen, at least for a season. There can be but little doubt that the chief attraction is the drill and retainer money, accruing from embodiment in the force, always keeping in mind that it is a hundred to one against any one single man ever being called out. The money voted for the service of the Royal Naval Reserve had much better be bestowed in maintaining, as far as it would go, say 5,000 additional real men-of-war's men in addition to the present force, &c., &c."

An officer who took a great interest in the establishment of the Reserve, writes to me—

"The only good I can see arising from the vast sum of money spent, and to be annually expended on this Naval Reserve is, that it has, in a measure, legalized impressment. In the event of a war, the Admiralty will be able to say 'We have so many thousand deserters from the Naval Reserve, men who have been receiving pay for years to serve when called on, and whom we have now summoned to appear at our various rendezvous, but of whom not ten have appeared. We must, therefore, look for them on board merchant ships, in the scaports, on shore, and in their homes. We believe that thousands of them have destroyed their certificates, thus, in a measure, destroying their identity; we therefore cannot help it if the innocent be occasionally taken for the guilty.'"

He concludes—

"That this will be the state of things whenever the Royal Naval Reserve men are called on to serve—no one who has had any thing to do with it can doubt."

If these apprehensions be well founded—and that there is some foundation for them cannot be doubted—it is clear that some form of coercion, attended with an additional expense, will be required on the breaking out of a war. Another reason why the men of the Reserve would not readily respond to the call, is simply that as trade would be carried on, to a great extent, in neutral bottoms, the men would follow the course of the trade. I think I have shown that these men have a very loose notion of their obligations, and it is

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equally sure that the Government have a very loose hold on them. Mr. Gideon Wells, the Secretary of the United States Navy, in his Report concerning the *Shenandoah*, a ship fitted out in England for the service of the Southern States, complains that a large proportion of her crew were seamen of the Royal Naval Reserve, and it is quite within the bounds of possibility that the same might have been said of the crew of the *Tornado*. And in cases like these, involving questions of International Law, there is the additional disadvantage that foreign nations may reasonably complain of men raised for the service of the Royal Navy being allowed to swell the ranks of their enemies whilst, in fact, our Government is powerless to prevent them. Again, Sir, in the Naval receipt and expenditure of last year I remark an ominous surplus of £25,132, one which we cannot well pride ourselves on, considering that it arises from a falling off in the numbers of men who presented themselves for drill. A Return moved for by myself towards the end of last Session shows the number of actual defaulters to have been in 1865, 2,337, and in 1866, 2,919, being an increase of desertions in one year of 582 men. These men were all liable to a penalty of £20; but has it ever been exacted in any one instance, or is there any intention of putting the law into execution to stop this growing evil? I may mention, as showing the difficulty of getting any trustworthy Returns of the state of this force, that on the 1st of March the House, on my Motion, ordered a Return, simple enough it might be supposed, of—

"The whole number of Men now enrolled in the Royal Naval Reserve; distinguishing the ports, &c., at which they are enrolled, and of the whole number drilled during the year 1866."

After waiting about three weeks I was informed that the Board of Trade objected to the Return on the ground of its expense, as it would require six clerks ten or fourteen days to make it out, adding that they could not conceive the object for which such a Return could be called. The Return was nevertheless ordered, and three months have now elapsed without its having been laid on the table of the House, and I am in consequence prevented from referring to it. Now, Sir, I ask if any reasonable man can suppose that if three months are required to make a Return so simple and so necessary, the men themselves could be collected in

the same time. We have not even got an army on paper! How we are to get them in their buckram suits I am sure I do not know. Whether such a force, if they could be collected, would be calculated to inspire officers under whom they were to serve with that confidence on which success in a contest with a carefully disciplined enemy is another serious consideration. Considering that the organization and discipline of the body form no part of the plan of the Naval Reserve, but seem, from the instructions issued to the commanding officers of the training ships, to be purposely discouraged, I think it will be conceded that if this body can correctly be called a reserve, it is at best a reserve of recruits, whose real education must begin at the very time when it is most essential that habits of obedience and self-denial, which it has not been attempted to form, should come into play. If, indeed, a large body of such men had acquired an aptitude in the use of arms without the controlling power of discipline, they might be a dangerous force to their own officers if called on to perform some service disagreeable to themselves, but they would be a harmless one to any enemy. But, after all, Sir, perhaps the strongest objection to this scheme is, that this great annual expenditure—greater, it is calculated, than the whole of the impress system at a period during last century, when the navy depended solely on it for its supply of seamen—is incurred without adding a single unit to the maritime population of the country. We are, in fact, paying a bonus of about £190,000 to the merchant shipowner, without even the excuse for a system of bonuses—that of stimulating a supply of the article in demand. A sum of £200,000 a year would, on the authority of Sir Henry Pennell, if expended directly, maintain an actual force of 5,000 men, which would thus add to the maritime strength of the nation. But we are now attempting an impossibility. We are coming on a service which cannot overtake its own requirements for what it cannot give us—a sure supply, at uncertain periods, of men, not merely drilled for eighteen days, but accustomed to the discipline and habits of a ship of war, which are becoming every day necessarily more and more different from those of the merchant navy. If these objections are not very much overstated, it is clear that the present system of the Naval Reserve requires

considerable modification before it can be considered either efficient or economical.

Perhaps the best scheme ever submitted to the Admiralty, and, indeed, actually put in practice for a very short time, was that suggested in 1853 by Mr. Pennell, then Senior Clerk of the Admiralty, now Sir Henry Pennell, a gentleman of great ability, when he proposed to offer discharges with pensions of 6*d.* a day or £9 4*s.* a year to men who had completed ten years' service in the navy, on the condition of their serving again when called on up to the age of forty-eight. Mr. Pennell's economical reasons were founded on the following considerations, as stated by himself:—

“ At present one man yields a service of twenty-one years, and obtains a pension on an average of 1*s.* 1½*d.* a day, or £20 12*s.* a year, including the allowance for time served as petty officer. As proposed, two men would yield a service of about eleven years each, or a total of twenty-two years, and receive, respectively, pensions of 6*d.* a day, or together 1*s.* a day, equal to £18 4*s.* a year. Thus one man's service and pension would be divided between two men, this important advantage being obtained, that instead of one worn out man being placed on the pension list, the Crown having no further claim on his services, two efficient men would be placed thereon, each liable to give some eight or nine years further war service.”

It was found, however, I believe, that the ten years' continuous service system not having come into operation, there was not a sufficient number of men to enable this plan to be carried out, and it was accordingly abandoned after a few weeks' trial—a decision I cannot but regret, as had it been steadily persevered in, we should gradually have acquired something like a real reserve of seamen, open certainly to the objections that there was no security for their continuing to follow a sea-faring life, or against their throwing up their obligations when it suited them, by the mere forfeiture of their pensions. I venture to suggest, however, that an improvement might be made on Sir Henry Pennell's plan, by not necessarily discharging the ten years' men from the list of the navy when their pensions became due, but inducing them to remain in it by the offer of the 6*d.* a day or £9 4*s.* a year (being somewhat less than the amount of the retainer and drill-pay now paid to the merchant seamen), and to volunteer for single voyages in merchant ships; the time so occupied to be allowed to count either wholly or in part for their long service pension. The country would thus be saved all the contingent expenses arising

ing from the various appurtenances of the present system (at least £65,000 a year), whilst the additional men so retained in the navy would be maintained at the expense of their merchant employers. A short illustration will probably give the Committee a notion of what I propose. It is well known that naval officers are often applied to on foreign stations to assist merchant ships who have lost portions of their crews either by death or desertion; such assistance being supplied by lending a sufficient number of men to navigate the ship to her destination; the men so lent returning to the navy at the end of the voyage, having been paid by the shipowner during that time, but without prejudice to their claim for service in the navy. In 1851 I was relieved in the naval command of the Australian station, a few months after the discovery of gold in that colony. The harbour of Port Jackson was full of merchant ships, whose crews had deserted to the gold districts, and which it was found in consequence impossible to send to England, and in this dilemma some of the merchants applied to me for assistance, which I was fortunately able, in some degree, to afford them. The Admiralty had directed me to turn over to the Colonial Government, who desired to possess her, one of Her Majesty's steamers, the *Achéron*, which had been employed for some years on the surveying service, and to bring the officers and men to England in my own ship. An addition of from 80 to 100 men would have been an inconvenience on board a small frigate; but being trustworthy men and perfectly suited for the service, several of the merchant ships were manned by them and sent to sea, an arrangement having been previously made that the men were to receive a sum for the run home, very much lower than had been offered to merchant seaman, but considerably higher than their own wages. The voyages were all made safely and the men rejoined the navy and received their arrears of wages, without losing any advantages of claim for pension. Four parties were thus benefited by this arrangement; the State, which was relieved from the expense of maintaining the men; the merchant, who was enabled to send his wool to England; the shipowner, who earned his freight; and the seamen, who received almost double their wages. I thus, it may be said, established a reserve

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of 80 or 100 men for three months, the usual term of the voyage, the immediate expense being nothing, and the prospective expense merely the addition of three months to the service of each man in his calculation for a long service pension, which probably only a small proportion of them would ever claim. If this could be done with 100 men for three months why not with a larger number for any period? It may be said, the case was an exceptional one, but is not the case of our merchant navy at this time somewhat exceptional? We hear much of the wretched condition of merchant ships' crews, and in the present demand for men, and the mode of entering them, it could not well be otherwise. But were a merchant captain assured, that instead of a crew most of whom he has never seen till a day or two before going to sea, and of whose professional qualifications and character he is profoundly ignorant, a proportion of it were composed of real seamen, who were answerable for their conduct to the Government, whose pension they received and whose uniform they wore, and had besides the strongest inducement to carry back with them his corroboration of their previous good character, it cannot be doubted that shipowners would be anxious to avail themselves of the privilege. An opportunity might soon offer to try the experiment, if the Admiralty agreed to the proposal of the hon. Member for Pontefract to reduce the present force of the navy by 4,000 men. Let these men not be absolutely discharged, but retained to test this system. If unsuccessful they might all be discharged at the end of a year; and if successful, let the plan be extended so as always to keep a surplus of men during peace thus lent out to assist the trade of the country. The immediate expense would be nothing, and, as I have said before, the prospective expense—that of increased pensions—which could not be incurred before the lapse of eleven years, and of which it would not seem unreasonable that the merchant service, which had benefited by the men's services, should bear at least a part. If this expense should be considered as not too great for the object, such an arrangement would appear to admit of no limitation, and the Government would then have at their command, without pressing too hard on the wants of our commerce, the services of a body of thorough seamen all over the world, and might, in times of profound

peace and prosperous trade, liberate a greater number to assist it, secure in the certainty of being able to recover any number of them whenever a disturbance, however slight, might seem to render an augmentation of the regular navy desirable.

I must apologize for detaining the Committee so long, but I wish to make one remark before concluding. I know that in these mechanical days, the country is taught to look, and does look, for success in future wars more to the strength and construction of our ships and the perfection of our weapons, than to the number and quality of our seamen, and I am the last man to undervalue the importance of our possessing the best ships and the best arms. But ships of former days, although not so complicated, were no less machines than ships of the present day, and I cannot forget the historical fact, that in former naval wars our battles were fought and our victories were gained in the worst ships in Europe. Nay, to come down to our own times and my own experience, I think I shall not be contradicted when I say that until Sir James Graham abolished the Navy Board and appointed as Surveyor of the Navy an officer not merely of high scientific acquirements, but a thoroughly practical seaman—the late Sir William Symonds—our ships were the worst designed, and if not the worst put together, they were certainly the worst equipped for war of any ships in the world. Our best vessels had either been captured from the enemy or built after their models; and as for our equipments, it is well known that our guns were of lighter calibre and of less range than the guns of corresponding ships in foreign navies; our outlasses were little better than pieces of iron hoop; our muskets were the condemned muskets of the army. The secret of our successes was the confidence our officers had in the undeniable superiority of our seamen. I do not believe that superiority to be less certain in the case of the seamen of the present day, nor do I believe they would ask whether they were fighting behind the protection of a $4\frac{1}{2}$ -inch or a $6\frac{1}{2}$ -inch iron plate, any more than they thought of the thickness of the wooden wall, which formerly was their slender protection from their enemy. If our predecessors could perform the deeds they did with inferior ships and inferior weapons, and with crews, a large proportion of which had been collected by the

hateful mode of impressment, what might we not hope to achieve with our improved mechanical advantages, if by a real amalgamation of the military and mercantile navies we could command at all times the services of men who would feel an attachment to instead of a dislike and distrust of the public service. I do not believe such an amalgamation to be either impossible or difficult, and could we but arrive at such a result, I, for one, would be content to leave the mechanical part of the question to those who have made it their particular study; but I should have no apprehension for the future efficiency of the navy.

MR. CORRY said, that as this was the 13th of June, and as they had only then obtained four Navy Votes in Supply, and he was anxious to make as much progress in the Estimates as possible, he hoped the hon. and gallant Admiral would excuse him if he only briefly referred to his remarks relative to the Naval Reserve. If he thought that his hon. and gallant Friend's remarks against the Naval Reserve were borne out by the facts, he should agree with him that the sooner they got rid of this force the better. But this was the first occasion on which he had heard anything approaching to a bad character given to the Naval Reserve. Whenever he had had the opportunity of visiting the training ships—and these occasions had been pretty frequent—he had always been most gratified by the appearance of the men. There was something about them which showed at first sight that they were sailors. They handled the guns with considerable skill—certainly in an infinitely superior manner to men who, however perfect as sailors, were drawn fresh from the merchant navy without having had any training in gunnery; the officers commanding the training ships had informed him that the men were generally well conducted—that they were willing to learn; and in fact they gave them as high a character as could be expected in men in the class of life to which they belonged. He did not therefore believe that these men had that loose notion of the obligation they were under to serve their country that when they were required they would not come forward—that in short they were merely men in buckram, and could not be reckoned upon in an emergency. Such an opinion, he believed, was contrary to the truth, and he had no doubt but that should any emergency arise, they would

obtain—of course not the whole number—but a great number—a number sufficiently great to facilitate very much the manning of our ships of war. The hon. and gallant Admiral had denounced—and not in too strong terms—the system of impressment. Now in his (Mr. Corry's) view he considered it one of the great objects of the Reserve to avoid the necessity of having recourse to that system; but no doubt in time of war, if the national safety required it, however odious the system might be, if we could not man the fleet without it, we must still have recourse to impressment. Another evil, only less than that of impressment, which it was sought to obviate by establishing the Naval Reserve, was that of giving bounties. In his own experience he had known two instances in which bounties had been given with a view to manning the navy, and in neither had the experiment been successful. The first occasion was in the Crimean war, and the second when the Italian war broke out, and we were obliged to increase our fleet, owing to the disturbed state of affairs on the Continent. The result was that the men we obtained were of the very worst possible description. In the first instance Sir Charles Napier said with great truth that a worse manned fleet never left these shores than that which he led into the Baltic, and the unsatisfactory results of that expedition was, he believed, in a great measure attributable to the fact that Sir Charles Napier could have no confidence in the fleet under his command. In the present state of the navy, it should be recollected, that a far less number of men was required to man the fleet than in former days, and this system of the Reserve would not only go far, but would enable us almost entirely to dispense with the systems of impressment and bounties. In fact, it would do so absolutely. With respect to misconduct on the part of the force, he confessed he had never heard any complaints on that head. In 1866 the number of dismissals for misconduct was five, the number of heavy fines was five, and the number of reprimands was 318—in other words, 328 instances of misconduct in all, which, considering that this force now amounted to 16,000 men, was not a very large number. Indeed, he had always been under the impression that the force was very well conducted. His hon. and gallant Friend (Admiral Erskine) had stated the heavy cost which this force had

Mr. Corry

occasioned the country since the time it had been first enrolled, that it had never been called out, and that hundreds of thousands had been thrown away on it. His hon. and gallant Friend, however, should remember that this was like the insurance of a house—we paid this money by way of insurance for a supply of men to man our fleets in case of emergency, and the Reserve had never been called out for the simple reason that no emergency requiring it had arisen since the constitution of the force. His hon. and gallant Friend had calculated that the cost of this body had grown during the last few years to a sum of £210,000 a year, which he represented as equal to the wages and victuals of 5,000 men. He could assure his hon. and gallant Friend that he was wrong in that estimate, for he found from a calculation that had been made in the Accountant General's office, that the sum of £210,000 would provide wages and victuals for only 3,000 men. We had a reserve therefore of 16,000 men, of whom 5,000 would be immediately available, and an addition of at least 1,000 men every month afterwards, at the same cost at which we could maintain 3,000 men. With regard to the alternative which his hon. and gallant Friend had suggested, and which was first proposed by Mr. Pennell, late Chief Clerk to the Admiralty, who had great experience and great knowledge of these affairs, he did not think it would work well. The experiment of obtaining a military reserve by means of soldiers discharged after a short service had not added much to our strength in that respect. The proposal of his hon. and gallant Friend he understood to be that seamen of the Royal Navy, after ten years' service, were to be pensioned at 6*d.* a day, and permitted to enter the merchant service, on condition of liability to be called upon again in case of war. He thought that would be a very injudicious experiment. By the present system a boy who entered the navy was rated as a man at eighteen years of age, and therefore he would have earned his ten years' pension at twenty-eight. Now, nothing could be more foolish, when we had got a man at twenty-eight, in the very prime of life, and at the height of his efficiency, than that we should say, "We will put you on the Reserve, and you can go into the merchant service, and then we will call upon you when war becomes imminent." [Admiral ERSKINE: He takes

his discharge now if he desires it.] He would not detain the Committee any longer. He believed the force to be a most valuable one. It consisted of the very cream of the merchant service, it was sufficiently trained to be of great service at the outbreak of a war; and he believed on the whole it would be a great mistake if the House of Commons were to do anything to deprive the country of the great advantage which it would derive from this body of men in the event of war.

MR. HANBURY-TRACY: Mr. Dodson—Notwithstanding what has just fallen from the First Lord of the Admiralty, I think that my hon. and gallant Friend deserves the thanks of the country for having brought forward the question of the Naval Reserve, on which the very existence of the navy in time of war must depend. I cannot help regretting, however, that his speech, so pregnant with matter, has not been made the basis of a Motion for a Select Committee to inquire into the whole subject of manning the navy, and perhaps into the wider field of our naval policy generally. At the present time, when we have no panic to alarm us, and no war in prospect, it would be impossible to choose a more favourable moment to investigate into the working of our Naval Reserve, and to see whether some more efficient and economical method could not be devised. Some of the passages in the gallant Admiral's speech will, I hope, have convinced the House that something must be done in the matter, and that our much vaunted Naval Reserve force is not quite the paragon of excellence it is so often described. There can be no doubt, and I do not wish to dispute it, that the formation of the Reserve, even with its glaring inconsistencies and anomalies, has done good service in the feeling of security it has engendered, and that its establishment has been of great benefit to the country. But it appears to me that having been in operation for seven and a half years, the time has now come when the whole scheme should be reviewed, and that the complaints which are now so frequently urged by our men-of-war's men in regard to it, as well as by all who have given any attention to the subject, should receive fair and impartial consideration. The greatest friends of the force cannot deny that there are still many difficulties to be met, which have arisen, and which were never anticipated, and even the most zealous admirer of the Reserve force will,

I apprehend, not deny that the cost is far greater than they expected, while the opponents to the scheme urge that it is out of all proportion to the result. At this time of the Session I fear that it is too late for a Committee to take up fully this great question; but unless some one more able and competent than I am is prepared to move in the matter, I shall feel it my duty early next Session to move for a Select Committee. After carefully looking into the present scheme, I have no hesitation in saying that it is wholly unsuited for the object intended; that it is a reserve we cannot depend upon for any sudden emergency; that it is a scheme which tends to prevent merchant seamen joining the navy; that it is a cause of disgust and annoyance to men-of-war's men; and that it fails in the great object which any Naval Reserve ought to aim at—namely, of enabling the navy to be increased or reduced at will; that the cost is an absolute annual waste of £100,000 of public money. I firmly believe that it is quite possible to organize such a reserve as would enable large reductions to be made in the fleet, a saving of at least £500,000 to be made in our Estimates, whilst at the same time to give it such elasticity and power of lateral extension as to form a basis on which our resources might be doubled in the hour of trial. Sir, it is only a few months ago that we have seen the reserve of a great European Power put into force with a result which has astonished the world. We have seen in Prussia the working of the Landwehr system with its wise and economical organization; how, in a few days, thousands and thousands of men rushed to the national standard with a most glorious and marked success. We know full well how at any moment France could call on 30,000 to 50,000 seamen, all of whom are men-of-war's men, and yet we are still pursuing a plan in that service, which has and always must be the right arm of England, which its most zealous advocates acknowledge could only at the outside bring to our standard 5,000 men at the expiration of three months, by which time the war might be over, and England's navy defeated. Surely, Sir, if this can be urged at a period when wars are of short duration, when we have such visible proof of how countries can be lost or won in the short space of a fortnight, it is high time that England should look around and not be left behind in the race. And when, Sir, to the delay of procuring

the men, it is added that we are now annually paying each reserve man no less than half an A.B.'s pay for doing us no service in peace time, and with every prospect of not being in time to aid us in war, I undertake to say that a case is made out startling in its character, and demanding a searching investigation by Government and Parliament. I will not attempt to follow the gallant Admiral through the long and interesting statistics which he has laid before the House; but a few of the facts are so important that I will endeavour to recapitulate them. The first statement that a reserve man actually costs the country no less than £13 5s. a year, or half an A.B.'s pay, and that such a man can only be made available by issuing a Royal Proclamation, is of itself sufficient to raise a doubt as to the efficiency of the plan. What are we to do in the event of a small emergency such as a Chinese war, or on any of those little eventualities when for political purposes it is necessary to make a demonstration? Are we to be constantly issuing Proclamations? And if so, could we legally press the reserve men into the service unless for an imminent war. It has been demonstrated over and over again that what you want in a Naval Reserve is a large reservoir from which you can draw your men at a moment's notice, or return them into store when no longer needed. Unless you have some plan arranged and well matured in times like the present, you will be obliged to adopt measures in time of panic for raising your forces by bounty with all its attendant evils, and then for as hastily dispersing them when the danger is over. It is very well for the First Lord to say that the reserve, as at present constituted, would prevent any necessity for appealing to the bounty system, but I entirely deny it. I would ask the simple question, could you in 1858 have increased your navy without having to resort to bounty, even if you had had your present reserve force? It appears to me not, as it was hardly an occasion on which you could have issued a Royal Proclamation. You have no plan even now, with all your experience, by which you can prevent the evils which have for so long been the bane of the navy from occurring again. You have no means of dealing with your well-trained and disciplined men when paid off and disbanded, or at the expiration of their term of service, so as to have a hold on them in future years. I apprehend, Sir,

Mr. Hanbury-Tracy

what is wanted, and I say so with all deference to those who take the opposite view of the question, is some such a plan as that suggested by the gallant Admiral, and lately advocated with so much ability by Mr. Reddie in the Royal United Service Institution. A reserve formed of men who have served their five or ten years in the navy, and are well drilled, and who would accept it as a boon to be allowed to serve in the merchant service until wanted in the navy. I do not mean to say that the plan of my gallant Friend is faultless, or that it could be worked in its present shape; but I am quite certain that it is a basis on which a practical and successful measure could be framed. Not only does the Royal Naval Reserve not attempt to meet its requirements, but it actually is gradually estranging the merchant service from the navy, and prevents a merchant seaman joining by actually giving him a premium to stop away. You practically say to merchant seamen, "If you will keep from joining the Royal Navy we will give you an annual fee of £6 and £4 4s. for drill pay, amounting to £10 4s., so that with your merchant seaman's pay you will get no less than £40, which is more by £10 than you can possibly get in the navy as "A.B." Sir, I would ask is this fair to the men-of-war's men that this annual payment should be given to a man a perfect stranger to the service, who has never passed through the trials and vicissitudes of a naval life, instead of it being given (as common sense would dictate) to your fine, well-trained, and highly disciplined blue-jacket, both as a reward for past good conduct and an inducement for him to serve his country in future years. Is it just that a man-of-war's man should be placed in such an inferior position to your merchant seamen, or that you should subsidize the merchant seamen to the extent of a fourth of his whole wages not to enter the navy? And lastly, I would ask, is it right that the taxpayers of the country should any longer be made to pay £200,000 for a reserve which it is very doubtful would prove of any help in time of need? We have the highest authority for saying that this impedes the manning of the navy, for in a paper read at the Institution by Mr. Reddie, with the permission of the Admiralty, he distinctly acknowledged it. I listened anxiously to the speech delivered by the hon. Member for Pontefract (Mr. Childers), to see if he would touch on the Reserve question, and show how he could

dispense with the surplus men in order to make the large reduction he contemplates, as I cannot believe that he would wish to lessen the number of *bond fide* seamen at present employed without seeing his way to put his hand upon them at a moment's notice should occasion require. It certainly appears to me that some such scheme as the gallant Admiral advocates is a necessary and indispensable part of his naval policy scheme. I will not any longer take up the time of the House; but I must say that it seems to me, and I say so with the utmost diffidence, that if a plan of this sort were adopted you would be enabled to have, in a few years, the finest Naval Reserve in the world of at least 30,000 to 50,000 highly drilled and efficient men-of-war's men, at a cost certainly not much exceeding what you are now spending on your present reserve; you would be enabled to make the large reduction so ably advocated by the hon. Member for Pontefract; you would give contentment to your navy, security to the country, and an annual saving of £500,000 in the Estimates.

MR. GRAVES said, that the plan suggested by the hon. and gallant Admiral would have been more acceptable to the Committee had it been proposed as a supplement to the present system, instead of as a substitute for it. The policy on which we had hitherto acted, and to which he believed we should adhere for the purpose of obtaining the *personnel* of our navy, was that of keeping up as efficient a force as possible for our normal requirements, and of relying on our merchant seamen for periods of emergency. But if we adopted that system, it was vitally important that the latter service should also be efficient. He had understood the hon. and gallant Admiral who brought forward the subject to propose a scheme which he would venture to term an inverted one, beginning with the navy and ending in the merchant service—a scheme by which seamen should overflow out of the navy into the Mercantile Marine, after having acquired habits of discipline and become thoroughly efficient. That, no doubt, would tend to improve the *morale* and discipline of the merchant service. The process could not, however, go on for any length of time without a large increase of the Votes of this House, for of late years the navy had never been able to bring up the number of men sufficient for its own requirements. The maximum num-

ber of men allowed to flow in annually from the Mercantile Marine was, he believed, 1,000, but the number during the past twelve months had only been 500 and odd, and the maximum had never been reached of late years, though every effort has been made to attain it. He could not agree with the hon. Member who had just spoken (Mr. Hanbury-Tracy) that the cost of the Naval Reserve was out of all proportion to its results, and that the system prevented seamen from entering the Royal Navy. He joined issue with him on both points. The cost was not excessive; and notwithstanding all the inducements which some hon. Members had appraised so highly, the Reserve had not attracted more than 16,000 men from the merchant service, though it was well known that our expectations extended to 30,000, and the requirements of the Reserve were so stringent that he believed 16,000 was the maximum number of men qualified for service in the navy if an emergency arose. It was true, as the right hon. Gentleman (Mr. Corry) had remarked, that those 16,000 men were the cream of the merchant service; but he was afraid that that number was more likely to decline than to increase. As to the spirit shown during the *Trent* difficulty, he entirely differed from the hon. and gallant Admiral, for he believed that during that week there was a larger accession of men who came forward and enrolled in the Reserve than during any similar period since its formation. There were, if he remembered rightly, 400 within three days. This was a better proof than the mere fact of a few hands being held up at a public meeting of the spirit which animated the British seaman when his country's flag had been insulted. Only that morning he had given instructions to one of his captains that the Naval Reserve men in his ship's crew should receive 10s. more than any other men. The hon. and gallant Admiral had alluded to the possible embarrassment that might arise from allowing our seamen to join in questionable expeditions under other flags. But if it were true that a large number of Naval Reserve were on board the *Shenandoah* and the *Tornado*, he should draw a somewhat different conclusion from that drawn by the hon. and gallant Admiral. Surely if we found two instances in which the best men were required, and those men were selected from that service whose capabilities were now

questioned, it seemed to him a proof that the men of the Naval Reserve were not the inefficient and undrilled men they were by some represented to be. It required no argument to prove that the system of drill which brought the men of the Naval Reserve into contact with the boatswains and gunners and other picked men of the Royal Navy would improve their discipline, make them more efficient, and impart something of the *esprit de corps* to the body. He trusted their services would never be required; but if they were wanted to serve their country they would be ready, and the nation would not be paying too large a retaining fee for their services as reserves. He wished that the Admiralty would turn their attention to the introduction of a large number of boys into the Royal Navy, so that there might be an overflow from the service into the Mercantile Marine, as suggested by the gallant Admiral. This would benefit both the navy and the merchant service. It was recommended by the manning Commission as part of the Naval Reserve scheme, and till the proposal has been carried out in its entirety, it is scarcely politic to condemn that portion of it which is most under review.

MR. BERKELEY wished to know the intentions of the Admiralty with regard to the Royal Naval Coast Volunteers. This force, founded by Sir James Graham, was never intended for the general purposes of manning the navy, but was designed for the protection of our shores. It was a force sent on board Her Majesty's ships for the purpose of drill for home service. It was for the most part composed of fishermen and others dwelling on the coast. In the Act by which the force was formed there was a clause which prevented them from being sent more than 300 miles from the coasts of Great Britain and Ireland. This clause was extremely popular with the force, and a great mistake was made by the Duke of Somerset and Lord Clarence Paget when they proposed to omit it. Having taken counsel with those who were well acquainted with the navy, and particularly with a noble Relative who was formerly connected with the Admiralty, he (Mr. Berkeley) opposed the omission of this clause, but in vain. The results he had predicted had occurred. The Volunteers, disgusted with the removal of the clause, and with the liability to be "sent foreign," had resigned to a great extent or had ceased to enter the force, and there

was thus a great diminution of one of the most useful bodies of men in the service of the country. Nothing could be more futile than the reason assigned by the Duke of Somerset for the removal of the clause—if, he said, a cruiser had on board a certain number of these men she could not chase an enemy beyond 300 miles. But was it to be conceived a British seaman would wish to stop when he saw a prize? Certain captains of ships were also opposed to the clause, because they did not like to see the Volunteers taken out of their vessels. The year following Lord Clarence Paget candidly admitted that the Act had been a failure in consequence of the omission of the clause, and that there had been a serious diminution in what he termed one of the finest forces ever created. The question for the present Government to consider was whether the Royal Naval Coast Volunteers was a force that ought to be kept up? If so, they must restore the clause that had been omitted. If they thought not, they should not go on frittering away public money upon it at all.

MR. ALDERMAN LUSK said, that the Naval Reserve was, for the most part, composed of men of a superior class, and expressed his firm conviction that the force if called upon, would do its duty.

MR. CHILDERS said, the Vote now asked for the Royal Navy Reserve was £143,000, while last year the actual expenditure upon the force was only £124,000. He wished also to know whether the number of Naval Reserve men attending drill had increased during the last year, and whether there was any occasion for taking between £15,000 and £20,000 more than was required?

MR. HENLEY said, he had listened to the conversation on the Naval Reserve with considerable interest; but while there had been much said as to the best way of getting the men and as to whether the country got value for the money, he thought that one important point had been altogether overlooked—namely, the actual state of the probable supply of men for the navy. Whether the stock of men was to be kept up either by taking them as boys into the navy, or whether they obtained them from apprentices in the merchant service, it was clear that unless the very source of all their supply of men was kept up it was useless troubling their heads about the various ways of getting them. Before they cooked their hare they

must catch it. A Return obtained by an hon. Member opposite showed that the aggregate number of apprentices now in the sea service, reckoning the merchant marine and the navy together, was not one half what it used to be; and the humblest powers of calculation would enable anybody to see that if that was not soon cured in some way or other, those who lived another twenty years—that, he supposed, would not be his fate—would find the number of sea-going men in this country almost reduced to nothing. If the source of their supply thus dwindled away the stock from which they drew their men for the navy must become exhausted. Did not the case of the Naval Reserve tell the same story? When first established it went on increasing year by year. It seemed now to have got to a level, and to have been stationary for the last few years; and why should that be if the number of youths entering the sea service was what it used to be? If the same number of youths entered the service as formerly did so, they would be continually getting an accession to the strength of the Naval Reserve, which those who advised its establishment gave a most confident opinion would reach 30,000. It had got up to little over half that number, and it had remained stationary for some years. The cause of that was not difficult to see. No one who looked for a moment at the price which the seaman—a skilled labourer of the highest degree—could obtain for his labour, in comparison with any other skilled workman in this country, could wonder that boys did not go to sea now. Moreover, the seamen could not carry on their labour so late in life as other men. He got stiff and half worn out sooner than other workmen, and few persons were able to go to sea before the mast after they were fifty years old; the majority he believed did not reach that age. Therefore, it was not surprising that with their low wages, and their market kept down by the continual increase of foreigners, boys did not go to sea. Indeed, considering the hardships he had to suffer, and the very small wages he got after he had learnt his business, no man could honestly recommend a lad to be bound to the sea service if he had a fair chance of earning his bread another way. The hon. and gallant Admiral opposite (Admiral Erskine) had sketched out a scheme for getting boys into the navy, and letting them overflow into the merchant service; but he doubted whether it would

ever succeed. No doubt they would be eagerly caught up by the merchant service as petty officers and they would be excellent men. But if anybody looked at the boys trained in the navy, saw their fat cheeks, and observed how little they looked like hardworking horses, as compared with the boys trained in the merchant service, he would not think they would be content to change from that easy life to a life so much harder, and one which the habits of order and cleanliness to which they had been trained would make them regard as very uncomfortable. He could not help making these few observations, because, whatever the cause might be, no one could help seeing that the boys who now went to sea were too few to meet the wants of the mercantile service of the country; and if there were not seamen enough for the mercantile service, then there was no use in troubling themselves about the best means of manning the navy.

SIR JOHN PAKINGTON, in answer to the Question put by the hon. Member for Pontefract (Mr. Childers)—namely, why the same sum was asked this year for the Naval Reserve as last year, though part of last year's Vote had not been spent, explained that the demand upon the Vote was necessarily a fluctuating demand, and one that depended upon the number of seamen who enrolled themselves in the force. As all those men were engaged in mercantile pursuits, it was of course very uncertain how many of them would come for training in any particular year. With regard to the remarks of the right hon. Member for Oxfordshire (Mr. Henley), he had more than once expressed his opinion that the true way of obtaining their supply of seamen was to bring up boys to the Royal Navy; and he would be glad to see, and he hoped he would see, the same system applied to the Mercantile Marine.

MR. CHILDERS said, that his question was, whether there had been such an increase last year in the number of Naval Reserve men attending drill over those of the year before as would justify the Government in asking for a Vote so considerably in excess of the sum which had been found actually necessary last year?

SIR JOHN PAKINGTON said, he did not remember the exact number who were kept in training in 1865-6, but last year the number was, he believed, 12,000.

MR. CORRY, in reply to the Question of the hon. Member for Bristol (Mr.

Berkeley) expressed his regret that he could give no satisfactory answer to the question which the hon. Member had put to him relative to the Naval Coast Volunteers, inasmuch as his attention had not been drawn to the subject during the short period which had elapsed since his return to the Admiralty. He should, however, make it his business to inquire whether any injurious effect had been produced by the omission of the clause to which the hon. Gentleman referred, and, if so, to introduce such an Amendment as might be necessary.

Vote agreed to.

(2) £65,106, Scientific Departments.

MR. HANBURY-TRACY asked what inspection there was of adult schools in the sea-going ships, and whether it was part of the duties of the Director of Education to inspect them. He also wished to know whether it was true that the Admiralty was about to appoint a Chaplain General of the Navy; and, if so, whether the right hon. Gentleman did not think that the Chaplain General would make a better Inspector of Schools than any Director of Education. He also wished to know whether the Director General of Ordnance was to be continued?

MR. CORRY said the Inspector of Education did not inspect the schools of ships of war, but only the dockyard and training ship schools and the schools of naval architecture. As to the inspection of schools, he thought a gentleman like Dr. Woolley, who had been devoted to education all his life, would make a more efficient Inspector of Education than any chaplain in the navy; and if there was to be a Chaplain General he (Mr. Corry) would be very sorry to add to his duties by placing him over the schools. As to the question of a Chaplain General, it had been under the notice of the Admiralty—and under the notice of the War Office also—with a view to have one superintendent over both services, but no proceedings had yet been taken.

MR. HANBURY-TRACY: But was there any inspection of the schools of sea-going ships, or any Reports sent in as to their efficiency?

MR. CORRY said, the chaplain, if there was one on board, was responsible for the state of the schools, and there was also a naval instructor whose duty it was to look after the schools.

MR. ALDERMAN LUSK asked, whether it was wise to bring the Director of Schools

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away from his labours at Portsmouth and elsewhere to inspect the School of Naval Instruction at Kensington? He thought inspectors of other schools would be better employed in the examination of this school. He wished also to ask the right hon. Gentleman, who had supported the idea of a School of Naval Architecture, what was to become of all their naval architects? They were turning them out of the college at the rate of from fifty to sixty a year, and in the course of the next ten years they would have 500 of them. What were they going to do with them all? Then with regard to the Naval School of Portsmouth, he hoped the right hon. Gentleman was satisfied with it; but he had observed that the school had lost its mathematical teacher this year—at least his salary did not appear in the Estimate. The porter's salary was also missing from the Estimates, though he observed that the five servant girls were still there.

MR. DILLWYN was glad this Vote was called in question. He hoped that the expense connected with the School of Naval Architecture would end with the School; but he feared these experiments went much farther, for he had been told that within the last ten years no fewer than sixty men of war had been laid down and had been torn to pieces again. He thought this was rather an expensive method of allowing the students to conduct their experiments at the cost of the nation.

LORD HENRY LENNOX, in reply, said, that in the opinion of the Admiralty the School of Naval Architecture was a great, and was likely to prove a still greater, success. The objects which the students of that School served were, as had on a former occasion been stated by his noble Friend Lord Clarence Paget, threefold. They were, in the first place, necessary to supply the permanent demand which existed in the shipwright and engineering departments of the various dockyards. They, in the second place, furnished a class of young men capable of overseeing the work done in the shipbuilding in contract yards as the representatives of the Government; and lastly, they provided draughtsmen and others who it was desirable should be brought up in the Constructor of the Navy's Department in Whitehall.

MR. CORRY also explained, in answer to the hon. Member for Finsbury (Mr. Alderman Lusk), that the reason why the services of the mathematical master had

been discontinued at the Naval College at Portsmouth was because his duties were now performed by the head Naval Instructor of Her Majesty's ship *Excellent*.

Vote agreed to.

(3.) £1,375,368. Dockyards and Naval Yards.

MR. P. WYKEHAM MARTIN called the attention of the Committee to the fact that in the ropery department at Chatham the services of a large number of men in a humble rank of life had recently been dispensed with in consequence of the improvements introduced by the hon. Members for Pontefract and Halifax. These men were no doubt in a very humble position; but he maintained that by the Superannuation Act, passed under the auspices of his noble Friend the Chief Secretary for Ireland, it was intended that those men should be entitled to receive retiring allowances. Under the 2nd clause of the Act it was provided that the men should receive one-sixtieth of their pay for every year they had served up to forty years, and that if discharged at the will of the Government in order to promote the greater efficiency of the Department they were to be entitled to ten-sixtieths. Now, sixteen men had been so discharged; they had all served more than twenty years, besides their time as hired men, and he asked the Admiralty to concede to these men the extra sixtieth to which they were clearly entitled. The case of some of these men seemed very hard. Two of them were constituents of his own, who had served twenty-five and twenty-seven years respectively. What he asked for them would occasion but a very slight increase of charge—about £100 a year—which could be but for a very short period, and would constantly be decreasing. He had no reproach to bring against the present Government—the late Government were rather the worse of the two. So far as he had anything to do with the present Government, they had shown a great sense of justice and a willingness to be convinced. He hoped the case of these men, who were established artizans, would be fairly considered. There was another case which he felt bound to put. When the *Achilles* was being built the Admiralty of the day employed a number of iron shipwrights and gave them a high rate of pay. They were only taken on for the job, and they could therefore belong to unions which established men could not. These men struck; and their place was

supplied by shipwrights who did the work to the full satisfaction of the Government. Practically they received only 4s. 6d. a day. They had at first to deal only with 4-inch plates, but afterwards with 5-inch and even 6-inch plates. It was deserving of consideration that, owing to the greatly increased use of iron plates for shipbuilding in the dockyards, the men employed in them were much more liable to accidents, and the wear and tear of their clothes was also much greater. It was hardly possible to take up a copy of a paper published in the neighbourhood of a dockyard without finding in it some account of a serious and perhaps fatal accident among the dockyard labourers. These things ought to be taken into consideration by the Admiralty, when they were asked to examine into any grievances brought forward by the men.

MR. LAIRD wished to ask a question of the First Lord regarding the smaller dockyards. A Committee was appointed in 1864, of which both himself and the right hon. Baronet the Member for Droitwich (Sir John Pakington) were members. The Committee, after great consideration, decided on enlarging Chatham and Devonport Dockyards; but they thought that some of the small dockyards might be dispensed with, and recommended that Pembroke, Deptford, and Woolwich dockyards should be given up. Sheerness, also, it was thought, might very fairly be closed as soon as the alterations in Chatham Dockyard were completed. He wished to call attention to the great expense of these smaller dockyards, amounting annually to £95,000; and he wished to know whether the Government had considered the Report of the Committee, and whether they would be prepared to recommend to the House shortly that these smaller yards should be dispensed with?

MR. MONTAGU CHAMBERS said, he felt it his duty to support the case which his hon. Friend the Member for Rochester (Mr. P. Wykeham Martin) had brought forward. It was the duty of every Member to remonstrate where injury had been inflicted upon any of his constituents, and especially when the parties who suffered were almost helpless. This he knew was the case with workmen who had been engaged in the roperies of the Government. They had been led to believe that if any mechanical improvements were introduced into these establishments they would receive pensions or superannuation allowances, or that other employment which

they might accept would be found for them. But in April last, in consequence of the introduction of machinery, numbers were discharged. He had been informed that they had been offered the alternative, either that they should wait for some decision as to receiving some gratuity, or that, instead of receiving 23s. or 22s. 6d. a week, which they had been accustomed to earn, they should accept the paltry sum of 13s. a week as labourers. He submitted that the Admiralty should take their case into favourable consideration, and either grant them the pensions they represented they were entitled to, or offer them some better employment than work at only 13s. a week. Another matter to which he wished to refer was the case of the men employed in the steam factories. It seemed to him that there was a great want of systematic arrangement in our dockyards as regarded the employment of artisans. There ought to be some such uniform system as prevailed in private yards. Twenty-five years ago a steam factory was established at Woolwich as an experiment, and the experiment had been perfectly successful. There could be no doubt that steam factories had now attained the highest importance in the Royal shipyards; but the persons working in them as skilled artisans and labourers were not placed on the same footing as shipwrights and others employed in the dockyards, inasmuch as not being considered on the permanent civil service, they were not entitled to a superannuation allowance. He thought that the time had arrived when they should be placed in the same position as those who worked ordinarily in the Royal Dockyards. That he thought was true policy—otherwise in a time of emergency, when wages were rising, the country would lose the services of some of the best workmen. In reference to another subject, some Greenwich pensioners at the outports had informed him that they were anxious to be able to ascertain from time to time their precise situation as to the allowances to be given them within certain ages, in consequence of changes made by the hon. Member for Pontefract in the management and appropriation of the funds of Greenwich Hospital, and he suggested that the paymasters of the pensions in the different districts should be directed to afford the desired information.

MR. CHILDERS said, that the hon. and learned Gentleman (Mr. Montagu Chambers) had asked why the men em-

Mr. Montagu Chambers

ployed in steam factories were not put upon the same footing as shipwrights and others with regard to their superannuation, and to that question he thought he could give a satisfactory answer. The men in factories did not, like the shipwrights, receive a fixed rate of pay; but their rate of pay was regulated by the market price of labour, so that Government took the risk of having to increase their wages in the same way as any private employers. Considering the customs and nature of the trade, he thought this the wiser plan; and, in fact, so far from there being any difficulty in obtaining men there was no difficulty whatever. The object of the superannuation system was to ensure the retention of established workmen in the service, and if the Government chose to run the risk of their leaving for higher wages elsewhere, and made regulations as to pay accordingly, the only effect of adding the benefits of superannuation to the wages of the factory men would be to add about £30,000 to the expenses of the dockyards, and the money would be clearly thrown away. He wished to ask his right hon. Friend whether he intended to increase the fixed number of hired shipwrights and others in proportion as the fixed number of hired labourers of the first class became diminished? The present number of these hired labourers was 550, and the number of hired shipwrights was 8,800; were the numbers of the latter to be increased as those of the former diminished?

LORD HENRY LENNOX said, that as the particular points to which attention had been called had been settled by the Board of Admiralty before the present First Lord of the Admiralty entered upon that office, he hoped the House would permit him to reply to the various questions that had been put in the place of that right hon. Gentleman. In reply to the statement of the hon. and learned Member for Devonport (Mr. Montagu Chambers), he had to state that when the ropemakers to whom he had referred were discharged they were offered a commuted allowance if they chose to remain in the service; and in making that offer the Board of Admiralty were merely following the precedent that had been made in the case of the sawyers. The sawyers accepted the offer—the ropemakers did not. There was certainly peculiar hardship in the case mentioned by the hon. Member for Rochester (Mr. P. Wykeham Martin); but the question was one for the consideration of

the Treasury and not for that of the Admiralty. He had laid the matter before the Treasury, and it was now under the consideration of that Department. The question of the hon. and learned Member for Devonport as to the factory men had been completely answered by the hon. Member for Pontefract (Mr. Childers). The hon. Member for Pontefract had asked whether it was intended to replace as they died out the hired labourers who were entitled to pensions by artificers—a proceeding that would lead in many cases to an increased expenditure for the same amount of labour. He need only remind the hon. Member that whereas, when he was financial and civil Lord of the Admiralty, in 1864 the establishment was fixed at 9,610, the number of artificers at 8,714, and labourers at 394, the establishment was now fixed at 9,518, the artificers at 7,948, labourers at 884, labourers (pension) at 557, and wheelwrights, &c., at 129, being an establishment of 92 less than 1864, while the artificers, &c., were 766 less.

MR. CHILDERS said, that he was not Financial Lord at the time in question.

MR. SAMUDA wished to draw attention to the large proportion of the establishment expenses in the dockyards when compared with the total expenses in those yards. The establishment expenses in all the dockyards amounted to £161,000; while the total amount of shipbuilding during the year in those yards only represented 23,000 tons, which was equivalent to a cost of something over £1,000,000. The establishment expenses were, therefore, $16\frac{1}{2}$ per cent upon the cost of the shipbuilding, and between 14 and 15 per cent upon the amount of wages paid in the dockyards, which was placed at £1,125,000. This proportion was enormously large. The amount of wages paid at Deptford, one of the dockyards in which it was proposed to discontinue certain descriptions of work, represented £50,000, while the establishment expenses there amounted to £10,800, or over 20 per cent. These establishment expenses, he thought, might be considerably diminished by economical management—at present they were certainly excessive.

MR. ALDERMAN LUSK called attention to the large number of workmen employed in the dockyards compared with the small amount of work which they produced. There were 25,000 people employed in the yards and 3,000 policemen; and while the salaried officials received incomes amounting to £141,000, the artificers and labourers

were paid £378,000. For all this we had scarcely any results. He also wished to ask, with regard to the chymist, Mr. Hay, employed by the Admiralty at Portsmouth at a good salary, whether he was the same Mr. Hay who was engaged in several commercial speculations, and traded in "Hay's Protecting Varnish," "Prepared Putty," "Hay's Anti-fouling Composition," &c. If so, it was scandalous that he should receive Government pay, and at the same time take advantage of his position to trade in that way.

MR. CORRY said, he did not know whether the Mr. Hay referred to was the same person who held the office of chymical adviser to the Admiralty at Portsmouth; but he could say that that Mr. Hay had held office for nearly twenty-five years with much benefit to the service, and was the inventor of a composition for preventing the bottoms of iron ships from fouling, which had been used with considerable advantage. Whether he held shares in any company, he was unable to say. With regard to the number of artificers employed in the dockyards, the number of men employed in our home dockyards was not, as had been stated, 25,000, but 18,321. Hon. Members who complained that so few ships were built seemed to look upon these yards as merely manufacturing establishments; but they should remember that the number of new ships was no criterion of the amount of work done. Shipbuilding, indeed, was only a small portion of it, there being also repairing, fitting, and other work of various kinds. The same answer applied to the hon. Member for Tavistock (Mr. Samuda), who had complained that the salaries of officers amounted to £161,000, while ships to the extent of only 23,000 tons had been built; he had only to repeat that the dockyards were not mere manufacturing establishments. With regard to the remark of the hon. Member for Birkenhead (Mr. Laird), it was quite true that in 1864 he (Mr. Corry) voted as a member of the Committee for the prospective discontinuance of Woolwich and Deptford dockyards, though, at the same time, he was strongly opposed to the abolition of Pembroke yard. He was influenced in so doing by geographical considerations; it was obviously desirable to have the means of building and repairing ships on different parts of the coast, so that if one dockyard was blockaded by an enemy's fleet, others would be available; but if the Thames were blockaded, not

only Chatham, but Sheerness, Woolwich, and Deptford would also be rendered unavailable. He was still of opinion, therefore, that the number of yards on the Thames and Medway might eventually be reduced. Such a measure could not, however, be carried out until the extension of Chatham yard was completed, and this would probably occupy several years.

Mr. SAMUDA explained that he had desired to express the opinion that the expenses of our dockyards was excessive in proportion to the amount of work which they performed, that it would be better to discontinue a dockyard than to keep it up an extravagant cost, with little or no good result.

Mr. OTWAY noticed that the question with reference to increasing the wages of shipwrights and caulkers had not been answered; he also desired to know when the increased pay of 13s. a week would be paid to the ropemakers, in accordance with the promise of the noble Lord in the course of his able statement when bringing forward the Estimates.

LORD HENRY LENNOX pointed out that to raise the wages of the Deptford shipwrights and caulkers would be to do the same by all the shipwrights in other Government dockyards, and that these were not the days when the Board of Admiralty was encouraged to make increased demands upon the public purse. As for the other matter alluded to, he could only say that the hon. and gallant Member would best consult the interest of the ropemakers by assisting the Government to secure the passing of the Vote under discussion, for until the Vote was passed the ropemakers could not have their increased pay.

Mr. ALDERMAN LUSK complained that the explanation given with regard to Mr. Hay was not satisfactory. He thought that a person who was employed by the Government at a large salary should not be permitted to employ his time in other business and speculations.

Mr. ALDERMAN SALOMONS said, he was unable to concur with the hon. Member in the view which he took of Mr. Hay's remuneration. If the State required the entire services of clever scientific men it ought to give commensurate remuneration. A salary of £400 a year could hardly be regarded in that light.

Mr. SEELY said, that Mr. Hay occupied an anomalous position in connection with the Admiralty. He had a large in-

terest in a company which manufactured a coating for iron vessels, and he was at the same time appointed to report upon the best coating that could be employed to protect the bottom of such ships. Now there could be no confidence in the honesty of the decision given by a person employed in the dockyard as to the particular kind of coating to be used, if the official were himself an inventor. He begged to ask the right hon. Gentleman when the navy ships' accounts for 1865-6 and the manufacturing accounts were likely to be presented, and he took that opportunity of intimating that, before the Session closed, he should take the sense of the House upon the question of superintendence in Her Majesty's dockyards as compared with the amount of wages paid and of work done.

Mr. CORRY said, that Mr. Hay had no power to decide what composition should be applied to the bottoms of ships. That duty devolved upon the Controller of the Navy.

Mr. SEELY: Is it not expressly part of his duty to recommend what particular composition shall be used?

Mr. CORRY: No.

Mr. SEELY: To advise?

Mr. CORRY repeated that the decision on the point in question rested altogether with the Controller of the Navy. Mr. Hay's position was that of chymical adviser generally to the Admiralty; and he could not see that the fact of his having invented a particular composition which had proved very useful incapacitated him in any way for that office.

Mr. SEELY pressed for an explicit answer to this question,—Was not Mr. Hay appointed specially to advise what was the best coating for ships; and was not the coating which he had invented used mainly, if not exclusively, on Her Majesty's vessels?

Mr. CORRY replied in the negative. If the duty suggested really devolved on Mr. Hay he would naturally recommend that his own composition should be the only one used; whereas several other compositions were used in the navy.

Vote agreed to.

(4.) £86,395, Victualling Yards and Transport Establishments.

Mr. SEELY pressed for an answer to his former question, as to when the navy ships' accounts for 1865-6 would be forthcoming?

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LORD HENRY LENNOX said, they would be produced very shortly. The delay which had taken place was entirely attributable to a wish expressed by the hon. Member himself with regard to the question of pensions being included in those accounts.

Vote agreed to.

(5.) £62,686, Medical Establishments.

(6.) £17,448, Marine Divisions.

(7.) £855,511, Naval Stores.

MR. CORRY said, that hon. Members were aware from the paper in their hands that the Vote No. 10 had undergone some modification. The original Estimate provided, among other works, for the building of a sister ship to the *Inconstant*. That ship was to have been one of 4,010 tons, 1,000-horse power, with a complement of 600 men. The original Estimate had also included 10 gunboats to be built by contract. He had expressed his cordial acquiescence in the policy of his right hon. Predecessor in supplying another very fast and powerful unarmoured ship for the protection of our commerce; but some of his hon. Friends opposite had objected to the building of a second ship the size of the *Inconstant*, and also to the building of so many small vessels; and subsequently, after a consultation with the Controller of the Navy, he himself came to the conclusion that a vessel of a smaller tonnage and horse-power than the *Inconstant* might be built of nearly the same speed, and with a sufficiently heavy armament, and would answer the purpose for which the new ship was intended. It having appeared, also, that some of the gunboats in China which it had been supposed were in so defective a state that it would be necessary to break them up, had been repaired, he arrived at the conclusion that the number of gunboats in the Estimate might be reduced from 10 to 8. Having discussed the matter with his naval Colleagues, they decided that, instead of building a second *Inconstant* of 4,010 tons, 1,000-horse power, and a complement of 600 men, they should build a vessel, to be called the *Volage*, of 2,250 tons, 600-horse power, and a complement of 350 men. By substituting the *Volage* and 8 gunboats for the second *Inconstant* and 10 gunboats, a sum of £73,150 would be saved, and by the consequent reduction in the Vote for engines for unarmed ships, there would be a further saving of £14,880

—making a total saving of £88,030. Then came the question how they should appropriate that sum. It was stated, in the course of a discussion which had taken place on a former occasion, that the number of our armoured ships, in comparison with those possessed by the French or any other nation, was so large that the Admiralty ought not to build more. He had, all along, entertained a totally different opinion, and he was anxious to make arrangements for the building of a third armour-clad ship, in addition to the two for which provision had been made in the original Estimates. He therefore proposed to appropriate a sum of £68,000 towards the construction of the hull and engines of a third armour-clad frigate of the second-class, and to appropriate £10,000 towards advancing each of the two already provided for—which would make £65,000 for each of the latter, instead of £55,000, as at first proposed. That would absorb the total saving of £88,000. He had always been of opinion that competition was a very wholesome thing, and, acting on that principle, though no one had a higher opinion of the talent and practical knowledge of the department of the Controller of the Navy, he had thought it desirable to invite some eminent shipbuilders to send in designs for the third armour-plated ship. The firms to whom that invitation had been sent out were Messrs. Napier and Sons, Messrs. Samuda, Messrs. Laird Brothers, the Thames Iron Company, Messrs. Palmer Brothers, the Millwall Ironworks Company, and the London Engineering Shipbuilding Company. It was left entirely to the option of those firms whether the design should be for a turret or a broad-side ship. Whichever of the designs was approved by the Controller would be adopted by the Admiralty, and the successful competitor would get the order for the ship if his tender was reasonable, without being subjected to any competition as regarded price. He could not agree with his hon. Friend the Member for Halifax (Mr. Stansfeld) that the comparison which he had made between the armour-clad ships of England and those of France was a just one. He had obtained a careful comparison from two independent sources. It was a comparison between the first and second-class sea-going ships—the real force of the armour-clad navy—of each of the two countries. There was no use in comparing the small vessels—the real comparison lay between ships of the larger classes

—vessels analogous in rank to the old line-of-battle ships and frigates. England had of sea-going iron-clad ships of the first-class, afloat, 18; building, 3=21; of the second-class, afloat, 3; building and ordered, 4=7. Total 28, of which 21 were afloat. To these was to be added the additional armour-clad ship recently decided on, which brought the gross number of the two classes, built and building, up to 29. France had of the first-class afloat, 16; building, 4=20; of the second-class, afloat, 1; building, 7=8, of which 17 were afloat; total of the two classes, 28. But since that Return was made up France had purchased from America a very large armour-clad ship, which made the total number 29—or exactly the same as that of the English ships. We were therefore only on an exact numerical equality: and he need not tell the Committee that it had been the policy of this country, time out of mind, to aim, and that for obvious reasons, at the maintenance of a considerably larger naval force than that possessed by France. He found, moreover, that on the 31st of March the progress made in building the English armour-clad ships, of the first or the second class, was only equal to $1\frac{3}{4}$ ships; whereas at the end of last year the progress made in building the French armour-clads was equal to $6\frac{1}{2}$ ships, so that the actual work in building done by France represented nearly five more ships than the work done by England. The hon. Member for Halifax (Mr. Stansfeld) had remarked on a former occasion that we had thirty-seven iron-clad sea-going vessels of war afloat and building, while the French had but twenty-seven. In making his calculation, however, the hon. Gentleman had excluded many of the third-class French ships, which were more powerful than the small English ships which he included. Again, in making his comparison, the hon. Gentleman had included among the thirty-seven English sea-going ships every vessel which had an armour-plate on its side; whereas he had selected merely the *élite* of the French navy. In estimating the number of the English vessels, too, the hon. Gentleman had included the four turret-ships, none of which were sea-going vessels, two small sloops, and three gunboats—the *Viper*, the *Vixen*, and the *Waterwitch*. The fact was that, omitting the obsolete floating batteries and the small *batteries demontables*, the French had no fewer than fifteen vessels of the third-class built and building; bringing up the total

Mr. Corry

number of their iron-clads to forty-four, while we had of all classes thirty-eight only, including the turret-ships, small sloops, and gunboats. Such being the actual state of things, he thought he was justified in proposing to make an increase in the number of our iron-clads. With regard to the ships which the hon. Member for Halifax regarded as sea-going, he might remark, in passing, that Admiral Yelverton had reported that the *Wyvern* could never have been intended as a sea-going ship. The result of the alterations which he had indicated would be that in Vote No. 10, sec. 2, instead of £352,875, as originally proposed, being asked for armour-clads and their engines, and £437,084 for unarmoured-ships and their engines, the amount required under the amended Estimate would be £440,905 for armour-clads and their engines, and £349,054 for unarmoured-ships and their engines. And here, perhaps, he might be permitted to advert to one or two statements which had been made on a former occasion, when his hon. Friend the Member for Halifax found fault with his right hon. Friend (Sir John Pakington) because the right hon. Gentleman had not carried out the programme of the late Government with respect to armour-clad ships. On instituting inquiries he had found that the deficiency in the amount of work done last year at Chatham had, in the case of one of the ships building there, been in part caused by the delivery of defective plates, the rejection of which had occasioned considerable delay; and, in the case of the other, by injury done to the caisson of the dock where she was building, which had let in the water, and suspended the work for three months. The main cause of the delay, however, was not any laches on the part of his right hon. Friend, but a miscalculation in the programme by the late Board of Admiralty. They had apportioned nine tons of shipping to each shipwright in the course of a year; whereas the amount ought to have been between six and seven tons only, which is the proper quantity in the case of iron-clad ships. There were various other points which had been adverted to on a former night on which he should have liked to give explanations; but at so late an hour he was unwilling to trespass further upon the time of the Committee. He would therefore conclude by expressing a hope that the Committee would accede to the alterations which he had proposed in the Vote.

MR. STANSFELD said, he would express his cordial approval of the altered programme of the Board of Admiralty. It was true that the right hon. Gentleman had informed the Committee that he had not been influenced by the arguments which had been adduced on that side of the House on a previous occasion; but as the change now proposed was in the direction of those arguments, he for one did not feel disposed to find fault with the saving clause in the right hon. Gentleman's speech. The right hon. Gentleman had been opposed to the building of a second *Inconstant*; but he (Mr. Stansfeld) objected to having "too many eggs in one basket," and he thought it desirable to diminish, as far as possible, the risk of loss of men and loss of tonnage. He hoped the right hon. Gentleman was now convinced of the correctness of that view. His opinion had always been that it was desirable to concentrate expenditure and labour. He still adhered to the accuracy of the computation he had made of the relative strength of the English and French navies. In making such a comparison, however, they must look, not merely at the number, but at the power and capacity of the vessels brought into the calculation. He wished to ask the right hon. Gentleman a question as to one of the items of Vote 10. In the Estimates for 1867 the sum of £308,000 was taken for coal for steamships and dock-yard purposes; whereas this year only £207,531 was asked for. Last year, however, £50,000 was required for coal for Her Majesty's troop ships; but in Vote 17 this year the item was increased to £75,000. This was a matter which in his opinion required some explanation.

MR. CORRY, after referring to the Estimates, said there was a net saving of £25,000.

SIR JOHN PAKINGTON said, that as the hon. Member for Halifax adhered to his former statement respecting the comparative strength of the French and English navies, which statement was likely to create an erroneous impression, he must adhere to his criticism of that statement, which was that on one side the hon. Member arbitrarily excluded a certain class of vessels—on what principle it was difficult to say. If a comparison was to be instituted it should be made on a plain and intelligible principle applicable to both navies. Ship for ship, weak and strong, no doubt the French naval force was stronger than ours; but on any principle

which applied a test to strength, the results of a comparison were different.

MR. STANSFELD asked if it was to be implied that on the whole the French iron-clad navy was numerically stronger than ours?—for that was the real question. He had made no arbitrary exclusion, but he said that French ships of the third-class were not sea-going vessels, and therefore, as far as offensive purposes were concerned, he excluded them specifically; which could not produce any false impression.

MR. SAMUDA said, that one way of instituting a comparison was to take the number of guns under armour, and the French had a majority of 248, being nearly one-half more than we possessed. But to have only the same force in our navy that France had was to put this country in a position it had never before occupied. At the end of the Thirty Years War, our navy was twice as strong as that of France; and as the navy was our only defence, it was his conviction that it ought to be equal in force to the united navies of Europe. He was glad to have heard so satisfactory an explanation of the changes made in the Estimates; but he thought the change from ten gunboats to eight was a very small matter. However, he would not push inquiry too far as to the means by which the conclusion had been arrived at. His main objection to the Estimate was the great increase proposed in wooden vessels, which were altogether unsuited to the present requirements of the service. He should like to know how the Government proposed to deal with the twenty-five gunboats which were to be built in the dockyards; and he hoped in that case a reduction would be determined on proportionate at least to that referred to for the boats to be built in private yards. It would have been gratifying if his right hon. Friend had found it consistent with his notions of what was right for the public service to have contracted for the building of one of the iron-clads on the Thames. Unexampled distress there had caused repeated applications to be made to the Government, and a hope was entertained that the Estimates would have contained something to mitigate that distress; but both contracts had gone to the North, and were given to a firm carrying on business on the Clyde. No doubt the price was considerably lower than the tenders made by the London builders; but under the exceptional circumstances, ought price to have deter-

mined the matter? Without wishing to insinuate anything against the highly respectable firm who had obtained the building of the vessels, there were circumstances he was bound to bring before the House. The same firm had been fortunate enough previously to obtain two contracts at much lower prices than others named; but the firm found itself so embarrassed by the loss it sustained that it felt it necessary to apply to the Government for an additional sum, and Government gave them £70,000, in addition to the contract prices, and thus finally the Government had paid a higher price than the offers they had refused for this more favoured establishment. This was not the only firm which had been so dealt with. He could name one that had received £60,000; and there was another instance where a large additional sum had been paid as compensation for loss sustained on the contract price. His right hon. Friend would no doubt say that this should not occur again. But such a promise would not bring back work which had been diverted from a locality where great distress prevailed, and was a poor consolation to unemployed mechanics. Not one of the Thames Estimates was too high, and he should have been glad if, under all the circumstances, his right hon. Friend could have had one of those vessels built on the London river.

MR. CORRY said, that he sympathized strongly with the sufferings which had prevailed in the shipbuilding trade on the Thames, and if he could with propriety have diverted any of the Admiralty custom to the banks of the Thames, he should have been happy to have done so. But the Admiralty, having considered this subject, came to the conclusion that they could look only to what was most conducive to the interests of the public service. He did not know what right the Admiralty had to say, "Here is a firm which offers to build a ship for £25,000 less than another firm; but we will give the contract to the firm whose estimate is £25,000 more." The Admiralty had no right to distribute £25,000 in charity in a particular locality. His hon. Friend (Mr. Samuda) said they ought not to be influenced entirely by the question of price. No doubt that was so; and where a firm was not of eminence the Admiralty would sometimes do well not to accept the lowest tender. But when a firm of such eminence as the Messrs. Napier and Sons of Glasgow, sent in a

tender which was less by £25,000 than that sent in from the banks of the Thames, he did not know with what face he could come down to the House and propose that £25,000 more should be paid. Moreover, it was not only a question of price, for the Messrs. Napier undertook to deliver the two ships, or, at least, one of them, at an earlier period than was proposed elsewhere. As to the advance which had been obtained by this firm in past contracts beyond the price originally agreed upon, they had been expressly told in this case that under no circumstance would one farthing be paid beyond the contract price. With regard to the distress in the shipbuilding trade in London, he might mention that his right hon. Friend (Mr. Gathorne Hardy), who was then President of the Poor Law Board, informed the Admiralty that a deputation had waited upon him on the subject, and he had represented their case to the Admiralty as favourably as he could.

MR. DALGLISH said, that the case in which more than the contract price was paid to the Messrs. Napier and Sons occurred at an early period in the history of armour-shipbuilding, when comparatively little was known of that process either by the builders or by the Admiralty. The vessel was completed, and built according to contract; but in consequence of the necessary outlay upon it, the Admiralty felt themselves bound to give to Messrs. Napier a certain sum beyond the contract price, but much below what they gave to either of the other builders who then constructed vessels under similar circumstances, and a sum which certainly did not re-imburse the Messrs. Napier for their expenditure. With regard to the distress on the Thames, there was a considerable want of trade on all rivers where iron shipbuilding was carried on, and he thought that the Government should not lend themselves to give Government work to any particular locality merely because there was a want of trade there. The business of the Government was to get the ships built for the public service in the cheapest and best possible way, where they believed that the work would be well and efficiently done, whether on the Thames, the Mersey, or the Clyde. The difference of price for which work could be done might depend on higher wages, on the greater cost of bringing materials to the spot, or on a variety of circumstances which the Government could not control, and which they should not try to control.

Mr. Samuda

MR. GRAVES approved the changes which were proposed, but was not aware that the suggestions for those changes came from any particular side of the House. The Admiralty had been persuaded from many quarters to throw open their designs to the shipbuilding talent of the country, and it was with great pleasure he now heard that policy followed. With regard to the gunboats he thought it had economy to place the old machinery in them, and he hoped the right hon. Gentleman would look into this subject.

MR. CHILDERS had heard with great satisfaction the changes proposed in this Vote. His right hon. Friend had said that he did not follow their opinion in this matter; but as he had followed their advice that did not much matter. The right hon. Gentleman had mentioned a number of firms from which the Admiralty were to obtain designs, to be submitted to the Controller. He (Mr. Childers) wished to know whether the competition which was to be invited would be a competition of price as well as of plan? He did not understand his hon. Friend behind him (Mr. Samuda) to mean that a tender from the Thames, though it might be a worse tender, should be accepted in preference to one from the Clyde, but only that something else besides price ought to be looked to, and that tenders from the Thames might be in some respects superior to those from the Clyde.

MR. DALGLISH said, that the public showed their appreciation of the work done on the different rivers, for they went to the Clyde and the Mersey in preference to the Thames—and that was the best answer as to the supposed superiority of tenders from the builders on the Thames.

MR. SAMUDA said, if the right hon. Gentleman the First Lord of the Admiralty had consulted with those who were best qualified to give him advice, he would have learnt that not one of the Estimates from the Thames was improperly high. He had not asked that any unfair price should be accepted for the sake of supplying the wants of any locality; what he said was that where the distress was very great, and the price very fair, he would have been glad if the right hon. Gentleman had found it consistent with his duty to recommend that one of the contracts should have been given to that locality. No doubt the tender accepted was very much lower; but previous experience had shown that though the firm

which had received the order was of the highest respectability—and, indeed, were friends of his own—they had been so mistaken as to the value of former work that they had received from the Government no less than £70,000 by way of supplement—namely, £35,000 on each of two vessels. Nor did that take place in the early stages of building iron-clad vessels, as had been suggested, for in the case of the second vessel it occurred two or three years after the first. It was not fair for the hon. Member for Glasgow (Mr. DalGLISH) to say that the public went to the Clyde and Mersey in preference to London. They did, no doubt, for some class of work; but for the highest class of work they came to the Thames.

MR. ALDERMAN LUSK held that it was a vulgar policy to proceed upon that this country should have more ships than France, and he hoped it would be given up altogether. It was no reason because one man built a very large house that another should set about building a larger.

MR. CORRY, in reply to the hon. Gentleman opposite, said, that the plan upon which the Admiralty would proceed was to give the contract not where the price was lowest, but where the price was fair and the design most approved.

Vote agreed to.

(8.) £860,559, Steam Machinery.

MR. ALDERMAN LUSK moved that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Lusk.)

MR. LAIRD hoped the Committee would go on.

THE CHANCELLOR OF THE EXCHEQUER trusted the hon. Alderman would not press his Motion, on the understanding that if any question arose which would lead to prolonged discussion the Motion to report Progress would be agreed to.

Motion, by leave, *withdrawn*.

(9.) £888,588, New Works, Buildings, Machinery, and Repairs.

MR. SAMUDA would not oppose the Vote, but expressed a hope that the Admiralty might see the utility of having iron-clad ships built for the future to a greater extent in private yards.

Vote agreed to.

(10.) £80,664, Medicines, Medical Stores, &c.

Mr. ALDERMAN LUSK again moved that the Chairman report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Lusk*,)—put, and *negatived*.

Vote *agreed to*.

(11.) £21,332, Martial Law.

(12.) £168,450, Divers Naval Miscellaneous Services.

(13.) £704,937, Half Pay, Reserved Half Pay, and Retirement.

(14.) £528,667, Military Pensions and Allowances.

(15.) £218,915, Civil Pensions and Allowances.

(16.) £405,976, Freight of Ships.

House *resumed*.

Resolutions to be reported *To-morrow*, at Two of the Clock; Committee to sit again *To-morrow*.

COURTS OF LAW, &C. (SALARIES AND EXPENSES) BILL.

Resolution *reported*;

"That it is expedient to provide that the following salaries and expenses should, without prejudice to the rights of persons now holding offices for life or during good behaviour under Act of Parliament, cease to be charged on the Consolidated Fund, viz :—The Salaries and expenses of the Lunacy Commissioners (England); the salaries of Inspectors of Anatomy; the salaries of the Board of Bequests (Ireland); the salaries of the Secretaries of Presentations and of Commissions to the Lord Chancellor (England); the salaries formerly charged on the Hereditary Revenues of Scotland; the salaries formerly charged on the Civil List (Ireland); the salary of the Keeper of the Tennis Court; the salary of the Preacher of the Rolls Chapel (until the demise of the Crown); the expenses of the Valuation of Rateable Property (Ireland).

Resolution *agreed to*:—Bill *ordered to be brought in* by Mr. DODSON and Mr. CHILDERS.

INDUSTRIAL AND PROVIDENT SOCIETIES BILL.

Bill to amend the Industrial and Provident Societies Acts," *presented*, and read the first time. [Bill 198.]

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Friday, June 14, 1867.

MINUTES.]—SUPPLY—*considered in Committee*—Committee [R.P.]

Resolutions [June 13] *reported*.

PUBLIC BILLS—*Ordered*—Drainage and Improvement of Lands (Ireland) Supplemental.*

First Reading—Drainage and Improvement of Lands (Ireland) Supplemental * [199].

Second Reading—Judges Chambers (Despatch of Business)* [154].

Committee—Vaccination (*re-comm.*) [175] [R.P.]; Lis Pendens* [153].

Report—Lis Pendens* [153].

Considered as amended—Railways (Scotland)* [122].

Third Reading—Tyne Pilotage Act (1865) Amendment* [168], and *passed*.

METROPOLIS—RECENT STREET OUTRAGES.—QUESTION.

MR. OWEN STANLEY said, he would beg to ask the Secretary of State for the Home Department, if he has read a Letter of Colonel Wilson, of the City of London Militia, as printed in *The Times*, in which Colonel Wilson states that he was an eye witness of the grossest outrages and robbery of respectable persons by the mob following the regiment; that he saw policemen rolled in the mud and cruelly treated when down; and that the captains in command of companies would gladly have assisted the police had they been allowed; if it would not be the duty of an officer witnessing such things to interfere and assist the police in apprehending the offenders; and, if the right hon. Gentleman will, in conjunction with the Secretary of State for War, issue such orders as will authorize the military on such occasions to lend assistance to the civil power, or in their absence, to act themselves in the preservation of the peace?

MR. GATHORNE HARDY: In consequence, Sir, of the notice which the hon. Member gave of this Question, I referred to the letter of Colonel Wilson, which appeared in *The Times* of the 12th of June, and which I had not previously seen. That letter certainly gives an account of a most extraordinary state of things in connection with the march of the regiment from a certain point. I may, perhaps, be allowed to mention that in the private note which the hon. Gentleman addressed to me on the subject, he asked whether the police had received notice beforehand that the march was to take place. On a former

occasion I stated that I had made inquiries of the Chief Commissioner, who had informed me that the police had not received any information. I have since made further inquiries on the subject, and have learnt from the Chief Commissioner of Police that no information was forwarded to him of the line of march, and he pleads that circumstance in extenuation of there not being a sufficient force of police to restrain the violence of an organized mob. As to the Question respecting the duty of an officer under the circumstances, I feel some difficulty in answering the hon. Gentleman, for I do not know what military law there may be which would prevent an officer assisting in putting down such disturbances as those described by Colonel Wilson. Looking, however, at what has recently been laid down in the case of the Volunteers, I should imagine that a soldier does not so entirely put off the duties of citizenship, that it would not be his duty, when he saw acts of violence being committed, to assist the civilians around him in preserving the public peace. That is my opinion; but, at the same time, there may be certain duties devolving upon military officers, and on them, of course, I can express no opinion whatever. As to the third and concluding Question of the hon. Member, it seems to me that as I represent what may be called the civil department of the State, I have nothing whatever to do with instructions to the military concerning their duties when under arms; and I am not in a position to say what course my right hon. Friend the Secretary of State for War may think proper to adopt.

MR. OWEN STANLEY said, he would give notice of his intention to repeat the Question to the Secretary of State for War, as he understood that similar disturbances frequently occurred on the occasion of changing the guard at St. James's.

SUPPLY—NAVY ESTIMATES—REPORT.

Resolutions [June 13] *reported*.

COLONEL SYKES said, that he congratulated the right hon. Gentleman the First Lord of the Admiralty on his having diminished the Estimate for gunboats on the China station. He wished, indeed, that there had been a greater diminution, and that the number of these boats had been reduced from eight to five. At the present time sixteen out of the forty-four vessels on the China station were in the harbour of Hong Kong, while only one was

employed in cruising against the pirates. According to the former Return, there were three boats employed in repressing piracy, and fourteen were in the harbour of Hong Kong. It might, perhaps, be said that the vessels in harbour were rotten. If that were the case they ought to be dismantled and withdrawn, instead of being paid for as if they were efficient. A force of ten gunboats and five vessels of war would be sufficient for the due protection of our interests. Twenty vessels would be more than enough for the purpose. Our force in the China Seas was forty-four vessels.

MR. CORRY said, he had expected that the hon. and gallant Gentleman would have brought forward this subject yesterday when the Vote was under consideration. He had then come down to the House with some documents that had reference to the question. Although the hon. and gallant Gentleman was in order in inviting the present discussion upon the bringing up of the Report, it was not a course usually adopted. He (Mr. Corry) had not now with him the documents in question. The hon. and gallant Gentleman was under a misapprehension as to the number of vessels in service on the China station. A great number of the gunboats there were vessels paid off, under repair, and not in commission. The actual strength of the squadron was twenty-eight vessels, instead of forty-four, as the hon. and gallant Gentleman supposed. With respect to the sixteen in the harbour of Hong Kong, the hon. and gallant Gentleman had given him the names of those vessels, and he had referred them to the head clerk in the proper branch of the Admiralty for explanation. Only one of the sixteen vessels was a sea-going ship. All the rest were either hospital or troop ships, or gunboats not in commission. With regard to the assertion that the force in China was too great, he was happy to say that he had had the opportunity of conferring upon the subject with the highest authority, Sir James Hope, who had been commander-in-chief on the China station for three years, and had just returned from the chief command of the North-America and West India station. When this question was raised two or three months ago he (Mr. Corry) had promised to ascertain if it was possible to make any reduction in the number of our vessels on the China or on the North-America and West India stations. He was fortunate enough to find in

Sir James Hope an officer who was capable of answering respecting both those stations. Sir James Hope had sent in a paper on the subject, in which he expressed the opinion in respect both of the North-America and West India station, that so many of the ships were constantly engaged in making long voyages from one part of the station to another, that the available number left for actual service was so small that it would be impossible to reduce them without danger to our commercial and other interests. With regard to the squadron in the China Seas, as Sir James Hope had left that command four years ago he did not feel himself able to speak as to the actual necessities of the moment. But he pointed out that in Japan, China, and Singapore we had eighteen treaty or open ports, and that it was necessary to have one vessel at each of those ports so that only ten vessels were left available for general service on that extensive station. Under these circumstances, he thought it would not be advisable to diminish the force. With respect to the piracy in those seas, it was satisfactory to know that it had been considerably diminished.

COLONEL SYKES said, he wished to ask whether all the vessels in the harbour of Hong Kong were dismantled?

MR. CORRY: They are. They are in ordinary. Some of them are about to be broken up.

Resolutions agreed to.

VACCINATION (re-committed) BILL.

(Lord Robert Montagu, Mr. Gathorne Hardy, Mr. Hunt.)

[BILL 175.] COMMITTEE.

Order for Committee read.

LORD ROBERT MONTAGU said, that although there was no Act passed in favour of vaccination until 1840, Parliament early showed that it favoured vaccination. In 1802 it voted £10,000 to Dr. Jenner, the discoverer of vaccination. In 1807 it voted £20,000 additional. For nearly fifty years it continued by annual grants to support the National Vaccine Establishment. In 1840 an Act was passed giving facilities for vaccination, and putting it within the reach of every person in the country to be vaccinated at the public cost. The guardians of the poor were to administer the Act. To carry it out they contracted with medical men, who thus became public vaccinators; and the expenses were paid out of the rates.

Mr. Corry

Under a mistaken idea of increasing the facilities for vaccination, the Poor Law Commissioners subdivided the vaccination districts; they increased the number of vaccinators, and the number of stations at which children might be vaccinated. In 1853 a compulsory Act made it obligatory on all parents to get their children vaccinated within four months of birth. The parents were rendered liable to a penalty if they neglected or refused to obey this enactment. The Poor Law Commissioners repeated the mistake they had previously made, by going still further astray in the same direction. They again increased the number of districts, and multiplied the vaccinators and stations. The result was that the medical man, instead of vaccinating at certain stations on stated days, at last vaccinated as he went his rounds every day. Thus arm to arm vaccination was discontinued; for the vaccinator could not get fresh lymph from the arms of the patients which were vaccinated eight days before, but had to carry prepared lymph in his pocket. Prepared lymph lost much of its vitality, and the chances were against its being effectual in vaccination. It was necessary, in order to successful vaccination, that the two classes of patients—those that had been vaccinated eight days before and those that were to be vaccinated—should meet in order that the doctor might take the vaccine from the arm of one and transfer it to that of the other. The 2nd clause of the Public Health Amendment Act of 1858 gave the Privy Council power to issue regulations to secure the due qualifications of doctors and for their guidance in the process of vaccination. The provisions of these three Acts afforded sufficient indication of the intentions of the Legislature. The nation evidently had determined that good and effective vaccination should be brought within the reach of all; that it should be obligatory on parents to take advantage of these facilities; and that there should be a machinery for carrying out and enforcing the law and detecting defaulters. The Legislature had also pronounced its intention that the fulfilment of the law was to be ascertained by a system of registration and certificates; that the guardians were to cause proceedings to be taken against defaulters; and that penalties were to be recoverable at law. The Act of 1853 had failed, however, to a certain extent. Vaccination had not been so general as it ought to

have been. It had been ascertained that in elementary and workhouse schools, from 20 to 30 per cent of the children were not vaccinated. In some cases as many as from 40 to 50 per cent had not been vaccinated. At Penn, in Buckinghamshire, the percentage of unvaccinated children was 55½ per cent. In 1862, 150 districts were visited by Dr. Sanderson, and in only 108 were any contracts with vaccinators in existence, and in only thirty-eight of these were the contracts fulfilled by the medical men. Out of fifteen unions visited by Dr. Buchanan in only two were the vaccination arrangements advertised. In one case the doctor had contracted to give habitual attendance, at identical times, in three different parishes. As to the quality of the vaccinations; of 127 districts visited by Dr. Sanderson there were twenty-one in which the bad vaccinations were from 30 to 62 per cent. In only thirty districts were 50 per cent of the children really protected from small pox. The existence of defects both as to quality and quantity were proved by the numbers of deaths from small pox relatively to the population. The average of deaths in England and Wales from small pox was now 3,967 per annum, yet in 1863 the actual number was 5,964; in 1864, 7,684; in 1865, 6,411; making a total in three years of 20,059, while in each of these years the number of deaths was far above the average. In 1866 the number of deaths in London alone was 1,389. And in the first quarter of 1867 the deaths amounted to 526 or 2,104 deaths from small pox per annum in London alone. These figures therefore furnished a sufficient argument in favour of further legislation, and it was strengthened by the experience of compulsory vaccination in Scotland. In that country before the Act passed the deaths from small pox were 2,000 per annum. The Act was passed in the autumn of 1863. In 1865 there were 123 deaths; in 1866 there were 280. There were places in England where the Vaccination Act had not been carried out. With a population in these places of 664,161, there were in those places 1,419 deaths out of the 6,411 small pox deaths recorded in England and Wales in 1865. This was a death-rate of 2,136 per 1,000,000. The inspectors had laid their finger on every one of these places beforehand. They said that the arrangements were bad; that the contracts were not fulfilled; that the certificates had not been

sent in, and that in these places the death-rate from small pox would be great; and in every case the inspectors were right. He would mention a few. There were 73 deaths in Dover, with a population of 31,575; 55 in Canterbury, with a population of 16,643; 70 in Brighton, with a population of 77,693; 151 in Northampton, with a population of 41,152; 106 in Bath, out of a population of 68,336; 59 in Shrewsbury, out of a population of 25,734; 72 in Burton-on-Trent, out of a population of 41,065; 126 in Whitehaven, out of a population of 39,950; 104 in Newport—Monmouth, out of a population of 51,412; 92 in Pontypool, out of a population of 30,288; 82 in Cardiff, out of a population of 58,285; 91 in Pontypridd, out of a population of 30,387; 185 in Merthyr Tydvil, with a population of 93,000, and 153 in Neath out of a population of 58,583. The inspectors were aware of the cause of this mortality. It was that cause which it was the object of this Bill to remove. Why, then, was the Act not carried out? The Act was not carried out because the machinery was imperfect—the check was not sufficient. Boards of Guardians were lax until there was a panic, and then there was a rush to the public vaccinators, and many were re-vaccinated who did not require it. The coercive provisions of the law were feeble, ambiguous, and not stringent enough; and in many cases the traditions of the justices were substituted for the commands of the Legislature. It was the desire of the Government to improve this state of things. That was the task which the Legislature was now called upon to perform. What were the materials which were ready to hand? The facilities of 1840, the compulsion of 1853, and the machinery of check of 1853. The compulsion enforced by the Act of 1853 was repeated in this Consolidation Bill. Every child before attaining the age of three months was to be vaccinated, either by a public or private vaccinator. After eight days the child was to be brought for inspection, and either be vaccinated again, or have the lymph taken from its arm for the vaccination of others. The principle was affirmed in 1853. After ten years' experience it was applied in compulsory Acts for Scotland and Ireland. It was now sought to assimilate the law of England to that of Scotland and Ireland. A similar Bill was introduced last year by the right hon. Gentleman (Mr. Bruce).

It went before a Select Committee, and was sifted carefully, clause by clause. The Bill now before the House was in almost the words in which it had come down from the Select Committee. He would now lay before the House statistics showing some of the results of vaccination. The average annual death-rates from small pox during thirty years previous to the use of vaccination amounted to 3,000 in every 1,000,000 of the population. From 1838 to 1841, when vaccination was known and encouraged, but when there was no public provision for it, the deaths fell from 3,000 to 770. From 1841 to 1853, when there was gratuitous but not compulsory vaccination, the average number of deaths fell to 304 in every 1,000,000. Since vaccination had been rendered compulsory up to 1865, the average death-rate was 171, or, including the last two years, 202 in every 1,000,000 of the population. Before 1853, taking an average of five years, the number of vaccinations in England and Wales was 180,960. In 1854, when vaccination was made compulsory, the number was 408,824. As the number of vaccinations increased the number of deaths decreased. That was the case as regarded England. In Scotland compulsory vaccination was completely carried out; the time allowed for vaccination, however, being six instead of three months as in England; this was a disadvantage to Scotland, which the Scotch now desired to remedy. The result, however, was remarkable. In 1864 the number of children born, and for which notices of vaccination were given, was 108,851. Of these there died during the six months allowed before vaccination 9,180; 96,970 were vaccinated and registered. Children unaccounted for, and of whom no entries were made in the registers, 2,701. Not quite 2 per cent! In 1865 the results were still more satisfactory. The number of children born was 113,129; of these 9,366 died before vaccination. 101,082 were vaccinated and registered; leaving 2,681, less than 2 per cent, unaccounted for. In these two years 221,980 notices were given for children born. Only 5,382 were not certified as having been vaccinated. A considerable portion of these were of course illegitimate children and children untraceable, owing to wrong names of the parents having been given. In 1863, the date of the Act which made vaccination compulsory in Scotland, 1,646 deaths occurred from small pox. In 1865 the

number of deaths was 123, so that with a complete system of registration and certificate the number of deaths was there reduced to a minimum. In England, in some districts, the energy of the public vaccinators and of the local authorities had supplied the defects in the Act of 1853 and made it a perfect Vaccination Act. In Mold, which was in the district of Holywell Union, with a population of 16,000, Dr. Hughes had been very energetic. Every one of the children had been vaccinated. Epidemics of small pox had raged in surrounding districts, and small pox had even been imported into Mold. Yet since 1853 only one child had succumbed to it. This was a baby a few days old, whose mother, a stranger to the town, had "modified small pox" when the child was born. From a Return moved for by the right hon. Gentleman (Mr. Lowe), showing the number of deaths in the 627 registration districts during the years 1851-60, it appeared that in 44 of those districts the deaths from small pox had been absolutely *nil*, because the guardians and vaccinators had been active and had supplied the deficiencies of the Act. In 297 other districts the annual death-rates by small pox per 100,000 children under five years of age were from 1 to 50; in 131 other districts the death-rates were from 51 to 100. In 75 districts the death-rate was from 100 to 150; in 39, from 150 to 200; in 24, from 200 to 250; in 8, from 250 to 300; in 5 from 300 to 350. In Shrewsbury district the annual death-rate was 382; in Northampton 456; in Plymouth 463; and in Merthyr Tydvil district 572. These statistics showed that in proportion as compulsory vaccination was carried out the deaths diminished. Where it was not so carried out the ravages of small pox increased. It might be said that vaccination was not always effectual. No doubt that was so. It arose from two causes. First, doctors of experience said that this failure was mainly owing to the use of preserved lymph. If the virus was taken fresh and the vaccination was from arm to arm, the operation would generally succeed, but where lymph was carried about in glass tubes there were sure to be numerous failures. It was necessary therefore that the two classes of patients should meet, and that they should be in sufficient numbers to enable the vaccinator to make a selection. The vaccination districts should therefore not be small. In thinly-populated districts poor persons might have

to travel far in order to meet the requirements of the Bill. These cases were rare, and there was a clause which expressly provided for them. The great majority of cases would occur in large towns and thickly populated districts. Large towns were foci of disease or else centres of good lymph. Secondly, the vaccinators must be experts, if the vaccination was always to be effectual. If the Government said to the poor that their children must be vaccinated, they said in effect that the poor must take their children to Dr. Smith or Dr. Brown. Therefore it was the duty of the Government to see that these doctors were duly qualified for their work. With that view, they had first the Privy Council regulations of 1859; secondly they had four Inspectors, whose duty it was to travel once in two years round the districts allotted to them. Until now their only duty was to give advice and to report. In future gratuities were to be given to those public vaccinators who vaccinated successfully. Last year Parliament voted a sum for the purpose of these gratuities, which were distributed by the Privy Council. The system worked well, and the present Bill contained a clause, proposed by the right hon. Gentleman (Mr. Lowe), making the system of paying for results a permanent one. When the Inspector reported that certain vaccinations were of the first-class, the doctor would receive 1*s.* over and above the sum paid by the guardians for each vaccination which he had performed. If the vaccinations were reported as of the second-class, he would receive 8*d.* For the third-class vaccinations nothing further would be paid. The ratio of children born to the population was about $3\frac{1}{2}$ per cent, which would give 700,000 a year for a population of 20,000,000. Reckoning that four-fifths of these children, or 560,000, would be vaccinated gratuitously during the year, the expenditure would be £28,000 if these vaccinations were all reported of the first-class, and £18,500 if of the second-class. Was it, then, too much that a sum between £18,500 and £25,000 a year should be expended in order to save 7,000 lives and make it certain that there should never occur a case of small pox? So much with regard to compulsory vaccination. A few words as to the checks. The registrar, on the birth of the child being registered, was bound to give notice to the parent, and to supply the proper forms. He was to enter in a book the

name of the child and the other means of identification. The public vaccinator was after vaccinating to send the certificate of successful vaccination to the registrar. The registrar was to enter it in his book. By that means the registrar could tell what children had been vaccinated in his district and what not, what children were liable to small pox and what children not liable. Then it was made the interest of all the parties concerned to carry out the system and to see that the checks were enforced. It was the interest of every local registrar to hunt up every birth, because for every birth he entered he had a payment of 1*s.* It was his interest to obtain the certificate of successful vaccination, because for entering each certificate he would obtain 3*d.* It was the interest of the doctor to vaccinate every child, or to forward the certificate of successful vaccination to the registrar, because he had at least 1*s.* 6*d.* for each successful operation—in some cases as much as 2*s.* 6*d.* It was the interest of the parent to take the child to be vaccinated, or he would run the risk of legal proceedings, and be liable to a penalty of £1. Small pox differed from other epidemics in this, that it was one of the worst, but was absolutely preventible. In other diseases, all that could be done by the removal of predisposing conditions was to mitigate their virulence. By purifying water, removing filth, or strengthening the human system, it was possible to weaken the power of other diseases; but small pox might be altogether prevented. If, then, one who raised his hand against another and killed him was guilty of murder, of what would he be guilty who by voice or vote in that House endeavoured to prevent the passing of a measure which would make it absolutely certain that small pox should not kill 7,000 in the year? That was the case he had to place before the House, and he felt confident the House would know how to deal with it. He moved that the House do go into Committee on the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Lord Robert Montagu.*)

MR. BARROW said, that it was nearly seventy years since Dr. Jenner had introduced vaccination. It was the opinion of many medical men now that vaccination had produced disease to a dangerous extent. He had received communications from a great number of persons, not only

n England, but on the Continent, thanking him for the protests he had felt it his duty to make against the system of vaccination. He had also received communications from the friends of the system, entreating him to persevere in his opposition to the compulsory clauses of this Bill, on the ground that it interfered with their hopes of extending vaccination. They felt that in a free country like this an attempt at compulsion would be the means of defeating the object in view. He would not enter into the mode by which the noble Lord proposed to carry out this system, because he objected to vaccination altogether. But he thought it would be impossible to carry it out. His objections were founded upon statements made by a number of parents, some of them medical men, whose children had died or suffered great injuries to their constitutions from vaccination. Those medical men, who had had every opportunity of observing the effects of vaccination, were surely not to be compelled to introduce this poison which they deprecated into the bodies of their children? In the Continental papers there were reports of injurious effects produced by this system. The Emperor of the French had discontinued vaccination in his army in consequence of the medical reports of the injury produced by it, and the diseases to which the practice had given rise. Until there was a full investigation of the consequences of vaccination they would never remove the prejudices which existed against it, or obtain that extension of the system which was said to be effectual for the prevention of small pox. Was the House to impose upon parents the necessity of having their children vaccinated every seven years? He hoped the House would not proceed any further with the Bill. He therefore moved that it be committed that day three months. It was a fact in proof of the view which he took that the deaths from small pox had increased in this country since the introduction of compulsory vaccination. Small pox had been very frequent in London lately. Out of the number of persons infected who had been taken to the Small pox Hospital, from 75 to 78 per cent had been previously vaccinated. There were only from 22 to 25 per cent who had not been vaccinated. He hoped this Bill would not be passed until some complete and thorough investigation had been made into the whole matter.

SIR J. CLARKE JERVOISE said, he had been astonished to hear from the noble

Mr. Barrow

Lord that small pox could be exterminated. There were many cases of persons being attacked by it after having been vaccinated. He knew of such instances with regard to persons who were vaccinated by Dr. Jenner. The same chymical influences which turned even London cream sour—and there was a story of a Cockney who on visiting the country was surprised to see the thick part of the cream at the top of the jug, since he had always known it at the bottom—affected the lymph on a child's arm. When inserted in another child's arm it was sometimes nothing but putrid matter. Yet this Bill would oblige every infant to undergo this risk, no matter at what period of the year. He had known cases where such decomposition had occurred. The noble Lord also said that Dr. Jenner had a grant of £10,000 in 1802 for the introduction of vaccination; but Dr. Jenner never received the money, though he had to pay 5 per cent income tax upon it. There were some subjects—such as theology—which were generally regarded as beyond the ken of the House. He thought etiology ought to come within the same category. If even with a revelation people could not agree on theological matters, how could it be expected that they should agree to a rigorous enactment on a subject like this, on which doctors notoriously differed? The House before being called on to pass such a Bill ought to have the Report of the Medical Officer of the Privy Council for 1866. This document, notwithstanding his remonstrances on a previous occasion against the late period of the Session at which it was usually produced, had not yet been laid on the table. That Report might contain information of the greatest value and importance. It was impossible that medical science could have stood still upon such a subject as this. He held in his hand the third Report of the Cattle Plague Commission, which contained a number of coloured plates. In one of those plates was a representation of the hand of a gentleman (Mr. Hancock) who was wounded while dissecting a beast attacked by the cattle plague. The frightful disorder which it was proposed to insert by compulsory vaccination into the body of every child was neither more nor less than cattle plague. It was like that which entered the hand of Mr. Hancock, for it was shown that that gentleman's hand was affected with vaccine matter. They had a claim on the authorities for further information before they

proceeded with this Bill. He would therefore move that the consideration of the Bill be postponed till after the Report had been distributed.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Committee be postponed till after the Report of the Medical Officer of the Privy Council, 1866, shall have been distributed,"—(*Sir J. Clarke Jervoise,*)

—instead thereof.

COLONEL BARTELOT said, he hoped that the Amendment would be pressed to a division. No evidence was taken by the Select Committee last Session. This ought to have been done on so important a subject. The people were willing to submit to much that Parliament might impose on them. But if their opinions were combated they expected to be shown by practical experience that they were wrong, and that Parliament was right in enforcing what many of them believed to be prejudicial to health. Whether vaccination was a good thing or not he would not say; but before passing a measure like this the House ought to be furnished with every information on the subject. There were 750,000 parents, who surely deserved some consideration. Of these 750,000 persons there were 250,000 who could not read or write; yet they were liable to a fine of 20s. if they did not follow the forms supplied under the Act. It would be very difficult to have these forms transmitted in agricultural districts. The noble Lord would have made a very different speech on this subject if he had been sitting in his former seat below the gangway. When a man got into office his opinions varied, his predilections changed, and he assumed a tone which he had never assumed before. The Bill would inflict a hardship, not only on parents but also upon doctors and registrars, the latter of whom would have to perform onerous duties, for which they were badly remunerated. Registration ought not to take place in successful cases. The doctors ought to know exactly what they had to do. It would be much better to send them to the houses of the parents than to make the children come to a certain place to the medical practitioner. Vaccination would not be carried to a successful issue until it was proved to be a wise and right course. He trusted the Bill would be postponed until there had been further inquiry into the whole subject.

MR. BRUCE said, he hoped it would not be necessary in the year 1867 to discuss the question whether vaccination was a good thing or not. It was said that the Annual Report of the Medical Officer of the Privy Council had not yet been published, but every year a complete Report had been made on this subject, not only by the inspectors, but also in the shape of a *resumé* of the whole reports made to the Medical Officer of the Council. There had been no new legislation or discoveries since last year. Every possible objection to vaccination had been already brought forward, and to postpone this Bill until the publication of the Annual Report would be to put it off to a period of the Session when it could not be properly considered. The hon. Member (Mr. Barrow) said that on the whole vaccination was a good thing.

MR. BARROW said, that he had received communications from medical men in favour of vaccination. But he had also received letters from others asserting that it had brought injury into their families. He agreed with the latter, and thought that there ought to be no legislation until there had been further inquiry.

MR. BRUCE said, that compulsory vaccination had been the law of the land since 1852. The present Bill laid down no new principle. It merely collected all the scattered provisions of the law, and supplied the new machinery which had been found necessary by experience. It was a mistake to suppose there had been no inquiry. At the instance of Lord Llanover, Mr. Simon addressed 600 inquiries to the most eminent and experienced medical men in England and other countries. With two exceptions, the replies bore the most unhesitating testimony to the beneficial effects of vaccination. Both before and since that time there had been repeated inquiries by individuals and bodies the most competent to conduct them, and the result had been to show the good effects of vaccination. [Mr. BARROW: What body?] By the College of Physicians and the most eminent men in this country. That very day he had laid upon the table a petition signed by Dr. Jenner on behalf of the Epidemiological Society. The petitioners stated that, though gratuitous vaccination had done great good, and though compulsory vaccination had still further diminished the mortality arising from small pox, the number of deaths in this country was still far greater than it ought to be. Under gratuitous vaccination

the deaths were 304 to 1,000,000 of the population, while since compulsory vaccination had been the law of the land the deaths from small pox were 200 to 1,000,000. They added that, by reason of the defects in the law to which they referred, legislation had not accomplished all the objects of which it was capable, and that the deaths from small pox in England were still very numerous when they were contrasted with the proportion in other parts of Europe—a state of things peculiarly disgraceful to the native country of Jenner. The average number of deaths in England was 4,000. In the three years 1863-4-5, 20,000 persons perished from this malady. The petitioners, therefore, prayed the House to pass the present Bill. The hon. Member (Mr. Barrow) seemed to be under the belief that a patient's chance of recovery was greater if he had never been vaccinated.

MR. BARROW said, he had heard that 75 per cent of the deaths in the Small pox Hospital were of persons who had been vaccinated, and only 25 of those who had not.

MR. BRUCE said, he wished that, instead of listening to loose talk of this kind, the hon. Member had read the tables compiled by Mr. Marson, of the Small pox Hospital, who had had twenty years' experience. Mr. Marson estimated the chances of death as one in three of those who had not been vaccinated. But where small pox attacked those who had been perfectly vaccinated the deaths were only one in 200, with every variation between the two figures as vaccination had been well or ill performed. It had been said that vaccination imparted disease and injury to the constitution, but no evidence in support of this assertion was adduced. The result of inquiry was in the opposite direction. Children were not always in a completely satisfactory state for the operation. When they were in a bad state of health vaccination sometimes produced irritation which was followed by illness. The Bill, however, made provision for cases of bad health, and allowed the vaccination to be postponed. If the statistics proved anything, it was that as vaccination was completely performed the chances of human life became greater. Mr. Marson made inquiry into the health of the boys in Christ's Hospital before Vaccination and since it became universal. He found not only that there had been a great diminution in the mortality from small pox, but

Mr. Bruce

that the actual health of the children had improved since vaccination had been practised. It was said they should have a Committee of Inquiry. If the object of the inquiry was to remove prejudice throughout the country, that prejudice was not likely to be removed by the opinion of fifteen gentlemen in that House. They already had, substantially, the unanimous verdict of the medical world on that subject. If that was not sufficient to remove such prejudice nothing would be. It was urged that, to make the law a good one, there ought to be vaccination every seven years. Though there was a small proportion of the medical profession which thought it might be safer for persons to be vaccinated every seven years, experience had shown that, as a general rule, vaccination once in a lifetime was a sufficient safeguard against small pox. His hon. and gallant Friend (Colonel Barttelot) was opposed to the compulsory principle on account of the hardships it entailed on the parents, the medical men, and the registrars. Was there any hardship in compelling parents to have their children protected by means of vaccination against a fearful disease? The difficulty of bringing the parents to the doctors was indeed considerable. It would be well to consider whether the Bill could be improved in that respect. As to the hardship to the medical men, he supposed his hon. Friend must allude to the public vaccinators. But they were to be paid at a higher rate than before, and, as a body, they would be satisfied with the arrangement. As regarded other vaccinators, the Bill would operate as a relief to them. By the present law the medical man was bound to send the certificate of the vaccination. For that he received no pay. Under that Bill the parent would be responsible for the sending of the certificate. All that the medical man would have to do would be to sign the certificate presented to him. As to the case of the registrars, it was simply a question of payment. The Scotch registrars were paid and were satisfied. Only 2 per cent of the persons vaccinated in Scotland were not registered; but the Bill considerably improved the position of the registrars. At present they received nothing for the first entry, and only a payment of 3*d.* when the vaccination was reported successful. That was a hardship, and this Bill would give the registrar a penny on the first entry, and 3*d.* when the vaccination was reported successful. Care

was also taken that the registration of the vaccination should in all cases be performed by the person who registered the birth. In that way they would secure a more regular system of registration. He could not believe that in these days the House would really be opposed to the principle of the measure. Carefully as the Bill might have been considered by the Department and by the Select Committee, he could well understand that differences of opinion might exist respecting its details. The House could deal with questions of detail in Committee. When they were told that no fewer than 2,000 deaths occurred from small pox in London in a year, he hoped that the House would not sanction a policy of further delay in so serious a matter.

MR. HENLEY said, he would have been glad if at that stage there had been no occasion for him to say anything except what he wished to say with reference to the details of the Bill, but the somewhat formidable close of the noble Lord's speech made it almost difficult to know whether he should not walk out of the House, and leave the responsibility of such a measure with other persons. In his concluding remarks the noble Lord very nearly went the length of saying that those who objected to that Bill—which would include its machinery, would be almost guilty of the deaths of the persons who might die from the terrible disease of small pox. He did not think the noble Lord was justified in making such a statement.

LORD ROBERT MONTAGU said, that what he had stated was that if it was proved that small pox was so far preventible that they could prevent it by that method, those who stopped the adoption of vaccination would be guilty of the deaths of 7,000 children a year.

MR. HENLEY said, he understood the noble Lord stated that they would incur that guilt if they objected to the machinery of that Bill.

LORD ROBERT MONTAGU: No, not to its machinery.

MR. HENLEY: If that were not so, he did not know what was the precise meaning of that part of the noble Lord's speech. He agreed that they were not discussing the question of compulsory vaccination which was the law of the land. What they had to consider was whether, aye or no, the Bill would improve the mode in which that law was executed. He did not think they would be much wiser if they had one

more Report on that subject. There were plenty of those Reports before them already. All who had bestowed any attention on those documents must admit that vaccination, whether by public or by other vaccinators, had not been well carried out. Reference had been made to the statistics of the Small pox Hospital, and to the number of persons who had taken that disease after vaccination. The figures relating to cases of imperfect vaccination were no doubt large. He had not understood his hon. Friend (Mr. Barrow) to make any allusion to the number of deaths, but to the number of those who had taken small pox after vaccination [MR. BARROW: Hear, hear!], which was quite a different matter. However, all the Returns showed that a large proportion of the vaccinations had been imperfect. Then the question arose—was the Bill calculated to secure good vaccination? He did not believe that, as its machinery was contrived, it would or could secure good vaccination. They often found one public department going into another pretty strongly. The noble Lord attributed almost all the failure in that matter to the error in the formation of the districts by the Poor Law authorities. If he was correct in that, it was not a very promising feature in the Bill that all those districts were still to be left under the Poor Law authorities. The guardians were to form them, and the Poor Law Board was to confirm them. If all the mischief had arisen from that arrangement hitherto, that did not strike him as being a very business-like way of getting out of it. But he would not pretend to deny that the Bill took very good care of the Poor Law Board and the Privy Council. It did something, though not much, for the doctors; and the registrars were not absolutely neglected. But he was surprised that when the noble Lord entered into the reasons why that matter had hitherto so far failed he did not at all touch on one important consideration—namely, that they could never get a thing well done if they did not pay a reasonable price. He was, perhaps, so unwise as to think that if we wanted to have a thing well done we must pay a fair price for doing it. If a fair price were not paid, the work, in spite of returns and certificates, was sure to be done in a perfunctory manner, and the result which it was sought to secure would not be obtained. The Bill ought, in the first place, to provide that there should be competent gentlemen to perform the duties

which would devolve upon them under its operation. Ample opportunity should, in the next place, be afforded for ascertaining whether children were in a fit state to be vaccinated, and that the matter was taken from healthy subjects, so that constitutional disease might not be transmitted by means of the vaccine matter; also whether the parents of the child were healthy, as well as the child itself from which the vaccinating matter was taken to be communicated to others. To secure those objects no satisfactory provision was made in the present measure. He would pronounce no opinion, because he did not feel competent to do so, as to the ability of the gentlemen who would be appointed to act under it. But the medical mind which informed the Privy Council had furnished some information in connection with the subject which was rather startling. Those who kept their eyes open in the world must know that many cases of evil and other complaints were alleged to have occurred in consequence of the use of impure lymph. Circulars were sent round to more than 500 medical men in this country and abroad; but he doubted very much, with all deference to the high authority of the Medical Officer of the Privy Council, whether his summing up after the receipts of the answers was well founded. One of the questions put in the circulars was whether there was any reason to believe or suspect that the lymph from the true Jennerian vesicle had been the vehicle of syphilitic or other constitutional affections? In reply to the queries thus put, 7 per cent of the whole number of these people answered in the affirmative that diseases had been so transmitted. Some of the answers returned to that question, such as that of Mr. Bickersteth, the consulting surgeon to the Royal Infirmary at Liverpool, and Dr. Lever, the physician-accoucheur of Guy's Hospital, were of a character which ought to have led the Privy Council to make further inquiries—which, however, they had not done. In such a case no amount of negative should be allowed to override positive testimony. The machinery of the Bill was not likely to accomplish in the country districts the object which everybody had in view—good vaccination. If the vaccinator had no opportunity of seeing the child at the mother's house, or until it was brought to him, or of ascertaining who or what its parents were, he did not see how he would be able to judge whether it was in a fit

state to be vaccinated or not, or was likely to be a pure source from which to take vaccinated matter to be distributed among others. No torture would induce a mother when she took her child among others to tell that anything ailed her baby. Everyone who knew anything of mothers was aware that they would under such circumstances practise concealment, though if questioned on the subject in their own homes they would have no objection to give the information required. The shame of making known the infirmities of herself or her family would keep her silent in public. Even if she did reply to the questions put to her in an open and crowded court she would be tempted to conceal the truth. The medical men would consequently be perplexed and outwitted, and an efficient system of vaccination would not be secured. There was another point on which the Bill was defective. No attempt was made under it to conciliate the prejudices or consult the convenience of the people who were to be compelled to vaccinate their children. The Bill was one of pure coercion which made no allowances for those who were to be brought under its scope. It must not be forgotten that the poor mother was not able to do much within the month after her confinement. The period of three months specified in the measure would press very severely upon the lower classes. It was furthermore plain that the division of the country into districts according to the plan proposed would not be satisfactory. Their medical Reports told them that no district of less than 5,000 people would work successfully, and that 10,000 would be a still better number. If the vaccination districts were to comprise 5,000 persons, how many miles the poor people would have to travel in the country in order to reach a vaccination station! Consider the great inconvenience it would be to a woman to drag her child two or three miles to have the vaccination performed, and be obliged, perhaps, to go a second time for the same purpose. The medical authorities insisted that four punctures at least ought to be made on the unfortunate children. Not only were these four wounds to be inflicted on them, but they were to be brought in all weathers and under all circumstances to the vaccination station; and they were to be compelled to have every one of the wounds opened that matter might be extracted for the benefit of others, so that the sufferings of the children and the cares of the mothers

Mr. Henley

would be thereby prolonged. Would they by such a course of proceeding carry the feeling of the people with them? If they did not enlist the feeling of the people, all their coercion would not prevent parents from evading the enactments of the Bill. It was provided in the Bill that if a child was not fit for vaccination, the parent could avoid the penalty imposed for not having vaccination performed within a certain period by obtaining a certificate from a medical man to the effect that the child was unfit for the operation. But how was a poor woman to know whether or not her child was in a fit state for vaccination, and how could the vaccinator, when he got to the station, tell whether or not a child—unless, indeed, it had some eruption on the face—was in a proper condition for the operation? If they were to act on the principle of doing as they would be done by, he would ask how they would like to be compelled to take their children a certain distance to be mixed up with other children all waiting to have an operation performed on them? They should allow the same privilege to the poor which they themselves demanded. He saw no difficulty in having the children of poor people vaccinated at their own houses. Such a regulation would get rid of many of the inconveniences he had been pointing out. The expense would not be so very great. The spending of £18,000 or £20,000 would be money well laid out, if this great and important work of vaccination could be carried out efficiently and in accordance with the wishes and feelings of the people. It would be better to pay a trifle more than to let the people think that there was one law for the rich and another for the poor in this matter. He had been told by a medical man that it would be far better for the medical men to vaccinate the children at the dwellings of the parents, because the medical men likely to be vaccinators under any public Act for vaccination would be what were called general practitioners. It would be more convenient for them to have to do with people at their own houses, and at times suitable to both parties, than to be obliged, as they would be under the Bill, to attend each at his vaccination station on a specified day and hour. The noble Lord stated that there were more than 700,000 babies born in the year. As the Poor Law districts did not contain a much less population than 4,000 or 5,000 persons, if the vaccination were divided among the 3,000 medical

men engaged in the Poor Law work, each of them would not have more than four children to vaccinate in a week. These medical officers were going through the districts every day; they would have the opportunity of seeing the parents of the children, and observing the state of health of the children in the cottages they visited. They would consequently be in a much better condition to decide than a vaccinator at a vaccinating station whether the children they inspected were in a fit state for vaccination. He was sorry to have detained the House so long, but he thought it right to explain his views on the subject. Vaccination properly done conferred a great benefit on the people; but if performed carelessly, and with improper lymph, then the result was not a benefit, but a serious evil. He could not vote with those who wished to put off the Bill for six months; but he desired to see its machinery amended. If they could conciliate the minds of people in favour of the purpose they had in view, they would be doing good service. But if they simply tried to drive the people along, it would be found that, under those circumstances, the people would be apt to kick, and ready to evade the restrictions imposed on them.

Mr. BRADY said, that as a medical man, he could state that medical men were almost unanimously of opinion that compulsory vaccination was an absolute necessity. In that opinion every one who had carefully examined the Reports made to the House on the working of the present Acts must concur. But it was imperative on the part of the Government that the system of compulsory vaccination should be made as perfect as possible. He held it to be an impossibility that vaccination from pure Jennerian lymph should communicate other diseases to children. The alarm which had been created in the public mind on that score was not therefore justifiable. He quite agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that in order to give the public the full benefit of the system it must be fairly paid for. They would be “penny wise and pound foolish” unless the persons employed to carry this measure into effect were fully and liberally remunerated. The great cause of the failure of the Act of 1853 arose from the manner in which the medical officers appointed to carry it out were remunerated. He said when the Bill of 1853 was before the House that the proposed remuneration of the medical

officers was insufficient, and he prophesied that the Act would be a failure. The statement he then made was fully borne out by the admission of the noble Lord that the Act of 1853 was a failure. If the measure before the House were effectually carried out, it would have a salutary effect on the community at large, and he would give it his entire support.

Mr. LOWE said, the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had told them very truly that the question now before the House was not that of compulsory vaccination; it was merely one of machinery. But the right hon. Gentleman could not resist the temptation which the subject offered, and deviated into the discussion of the very subject which he said was not before them. The right hon. Gentleman had alluded to a certain question which had been sent round—not by the Committee of Privy Council, but by the Board of Health, with regard to the effects of vaccination—a very proper question, and, as it seemed to him, very properly worded. The question in substance was whether vaccination with lymph from a perfect Jennerian vesicle could communicate any other disease from one child to another? That seemed to be the right way of putting it. Nobody could doubt the effect if they were to take the matter of any disease and inoculate another person with it—they would all be able to answer that question. But the question raised, and which had to be answered, was if after proper care was taken, and vaccination performed with lymph taken from a person having vaccine disease upon another person, any other disease would be communicated than that the operation was intended to communicate? That was the point which seemed to have escaped the attention of those well-meaning but ill-informed men by whom the walls of the city had been placarded in relation to this subject. The right hon. Gentleman told them that the question so proposed had been dubiously answered; he furnished them with the commentary, not with the text. He told them the number of persons consulted, and not what the answers were. They must, therefore, remain very much as they were upon that point. So much with regard to the question of compulsory vaccination. The right hon. Gentleman said nothing was done in this Bill for the convenience of parents. In the 12th clause of the Bill it was provided that where the population was scanty or

Mr. Brady

scattered, so as to render it a matter of difficulty to perform vaccination within the period prescribed, the time might be extended from three to six months. Was that no convenience to the parents? But the right hon. Gentleman asked, why not vaccinate at the parents' house? For this reason—vaccinating with lymph in a glass tube was more likely to fail than when it was done directly from arm to arm. It was therefore more convenient that the children should be brought together than that the lymph should be carried from house to house. It was a matter of convenience to everybody. The right hon. Gentleman was full of compassion for the innocent children. He talked of four wounds being inflicted on them and then these four wounds were to be re-opened after eight days. But the right hon. Gentleman should also have compassion for the numerous innocent victims of that loathsome disease small pox. The average at this time pointed to 2,000 deaths in London alone and its environs, which might be entirely prevented if only efficient measures were adopted. The right hon. Gentleman should have compassion for the children dying almost as soon as they had entered into life rather than for those who had their arms punctured and had the additional misfortune to have those punctures re-opened in order to communicate the safety which Parliament had given to them to other children similarly situated. He should keep his compassion for those who did not get the boon, not lavish it on those who obtained it. Then the right hon. Gentleman said this Bill did nothing to make vaccination more effective. Did it not? It increased the fees of registrars, and made vaccination certificates a portion of the general register. A register of vaccination certificates—unlike that of deeds—though not complete, was good as far as it went. Any registration was better than none. Another advantage under the Bill was this—the pay provided for the medical men was better. The right hon. Gentleman descanted much on the necessity of paying medical men on a more liberal scale. He seemed to make it matter of opposition to the Bill that it did not pay them better. But it did. The medical officer was now entitled to a fee of 1s. 6d. where the distance was under two miles, and 2s. 6d. above it. By the Bill he was to receive 3s. He did, then, get increased pay. But there was another great security. Formerly the

vaccinator might be a general practitioner ; he must now have a special certificate for performing vaccination. The right hon. Gentleman said that a deputy might be employed in absence of the principal ; but the deputy must also have a certificate, therefore it would not matter whether the operation was performed by the principal or by his deputy. The safety of the child was effectually provided for. Lastly, what he most relied on was this—the Bill introduced a new principle. Vaccination appeared to be one of those things to which the doctrine of paying by results could be applied. It was provided by one of the clauses in the Bill that where it should appear on an inspection of the children of any particular district that the number and quality of the vaccinations performed had been such as to warrant it, the Lords of the Treasury might authorize gratuities to be given to the public vaccinators. With reference to the precautions taken to insure the efficiency of the system, it would have been strange if the Bill had been defective in that respect, having been submitted to the very careful investigation of a Committee upstairs, all the members of which had taken great interest in the subject, and paid great attention to it, except the right hon. Gentleman who had left them in a pet. He therefore hoped the House would go into Committee on the Bill, though he did not see how they could materially improve it. The whole subject had been carefully and repeatedly considered ; and if this Bill were adopted he did not doubt it would be the means of saving many lives from falling a prey to a most loathsome disease.

MR. KENDALL said, that as chairman of a large union, he had seen great inconvenience arise from the crowding of children at stations to be vaccinated. They were taken, whether it was wet or dry, cold and shivering to these places, and were kept huddled together in a very uncomfortable state. medical men attributed the failure of the act to this. The medical men must be paid a larger sum for vaccinating, and the children of the poor must be vaccinated at their own homes. The grand object was to get pure matter for vaccinating and to stamp out the disease. No doubt country people had considerable dislike to vaccination. This dislike was fostered by the writings of medical men who alleged that the poison that was diffused by means of vaccination was undermining the constitutions of the people.

He did not believe that this poison was so prevalent as was alleged ; still it would be better if the children of the poor were to be vaccinated at their own houses, instead of being huddled together in a close room while awaiting their turn.

Question, “ That the words proposed to be left out stand part of the Question,” put, and *agreed to*.

Main Question put, and *agreed to*,

Bill *considered* in Committee.

After long time spent therein,
House *resumed*.

Committee report Progress ; to sit again upon *Monday* next.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed,
“ That Mr. Speaker do now leave the Chair.”

IRELAND—PETITION ON FENIANISM.

RESOLUTION.

MAJOR ANSON said, he rose for the purpose of moving the discharge of the Order of the House of the 3rd of May that the Petition of E. Truelove and others do lie on the table. He trusted that his object in bringing forward this Motion would not be misunderstood. He hoped it would not be imagined that he had any intention of trenching on the right of public petition, for such a thing was far from his thoughts. The petition to which his Motion referred was one of a very unusual character. It laid down the doctrine, to a certain extent, that any number of people having a cause of grievance, or imagining that they had one, had a right, if the exercise of moral pressure, and if argument did not succeed, of resorting to arms. That was a doctrine which the House and the country could afford to pass by with a smile. To the prayer of the petition—asking, as it did, for as lenient a punishment as possible for the Fenians—he did not object, though it was a strange prayer to proceed from those who spoke of “ the horrors of war.” Here the harmlessness of the petition ended. Not content with offering such a prayer, the petitioners must needs dabble in history, and, like all narrow minded and illiberal men, they dealt only with one side of history, and gave it a very false colour. At a moment when, if only in mercy to

the poor deluded Fenians themselves, the utmost forbearance ought to have been shown by men of all parties, they raked up the events of hundreds of years ago, and calling up everything they could in the way of Irish grievances they exaggerated it as much as possible. Even had they been satisfied with this, he should have been content with expressing his horror and disgust at men who were thus ready to sympathise with and encourage rebellion. They had, however, gone further; they had reflected on himself and several Members of the House; and they had insulted the army, thereby insulting the country itself. The paragraph of the petition which had induced him to take action in the matter was the following:—

“Thirdly, your petitioners justly alarmed by their recollection of the atrocities perpetrated by the English troops in Ireland in 1798, as also by their recollection of the conduct of the English army and its officers in India and Jamaica, lastly by the suggestions of the public press and the general tone of the wealthy classes with regard to the suppression of rebellion, pray your honourable House to provide that the utmost moderation and strict adherence to the laws of fair and humane warfare may be inculcated on the army now serving in Ireland.”

What the rebellion of 1798 had to do with that of 1867, or what the troops employed at that time had to do with the army at the present day, he could not see. This country had since that day made great strides in civilization, and the army, composed as it was of all classes of the people, shared in that advance. Indeed, the Fenians of 1867 compared favourably with the United Irishmen of 1798, for our troops had not been called on to revenge atrocities such as were perpetrated in 1798. There had been no occurrences during the few days the Fenians were in the field like the massacres of Wexford or Scullabogua. But were the hon. Member for Birmingham (Mr. Bright)—who presented the petition with so much satisfaction—present, he would ask him, and he would ask those who had signed it, what they would have said had there been actual fighting in Ireland, and had the officers encouraged their men by reminding them of the massacre at Wexford Bridge or the burning of a hundred Protestants in a barn at Scullabogua? The language of the petition was such that it would not have been received by any other Legislative Assembly in the world. He therefore called upon the House to reject it. It insinuated that the conduct of our soldiers

Major Anson

in the suppression of the Indian Mutiny was such that it was necessary to inculcate on them the necessity of carrying on war according to fair and humane regulations. This was not the first occasion on which the Indian Mutiny had been used as a peg by a clique on which to hang reflections and misrepresentations. He regretted to say that the precedent was first set in 1859 by a Member of the House, who rendered himself for ever infamous by the speech he then made, declining to partake of the hospitality of the right hon. Gentleman in the Chair, on the ground that he would have to wear epaulettes which had been worn by hangmen and murderers in India, and that he did not wish to do so until they had become somewhat sweetened by time. Remarks in the same tone had since been made on several occasions both in and out of the House by men who wished, for purposes of their own, to slander the British Army. Without entering more minutely into the history of the Indian Mutiny than the petitioners had chosen to do, he averred that no act, no matter however harsh, was performed by our troops at the Mutiny that was not justified by necessity and by the law of self-preservation. These critics were at the time safe at home, and he could quite understand how far beyond their power it was to realize the position in which our forces were placed. No other country would have finished the war under ten times the same amount of bloodshed. They never heard in times of peace of the redeeming points of the British Army; but those who slandered and misrepresented it seized upon isolated cases and applied them to the whole British Army. An anecdote would illustrate the feeling in the army. A general officer who entered a large town told off a guard of men to protect it against plunder. The head men of the town represented to the general that these very men were plundering the place. The general, accompanied by the provost marshal, had the men flogged upon the spot. In the afternoon the whole regiment turned out and cheered the general through the camp. He did not wish to draw invidious comparisons between the British and any other army; but he had had some experience of the armies of France and America. When those armies were perpetrating, under the plea of necessity, things which no English army would tolerate for a moment, they appealed to remarks made in the House of Commons and in the public prints of England as establishing the

commission of atrocities perpetrated by the British Army. Those atrocities he indignantly denied. It was necessary that those remarks should not be accepted by the House of Commons. In accepting petitions founded upon such statements it might be stated, as it had been before, that the House practically admitted the truth of the alleged facts upon which they were founded, and the necessity of inculcating upon the English Army the duty of carrying on war in a fair and humane manner. If these men had any generosity in them they would remember that the British Army had accomplished more, with smaller means and less advantages, than any other army in the world; it had contended against a greater variety of enemies, civilized, semi-civilized, and barbarous, under more disadvantageous circumstances, and in greater varieties of climate, than any other army in the world; it was scattered in smaller detachments, and was kept further from the centres of civilization than any other army in the world; and it was exposed to greater criticism than any other army in the world. While they were invariably sure to hear of its weak points, its good points would seldom or never be heard of, except when it was policy to make much of it. It must be remembered that in order to accomplish all this they were often obliged to have recourse to inadequate means. Many young and inexperienced officers were placed in positions which required an amount of tact and of knowledge of human nature enough to test the highest qualities that could be found in men. They had often to contend with enemies with regard to whom even the wisest and most moderate of mankind would hardly know how to draw the line between a dangerous lenity and too great severity. It was not to be wondered at, therefore, if at all times and on all occasions they did not find that every man who wore the British uniform possessed the legal knowledge of a Lord Chief Justice, or the world-wide philanthropy of a British philosopher. He feared he had already detained the House too long. The whole tone of the petition was such as to induce him to believe that the petitioners could only have two objects in view—the one to encourage the Fenians, and to rouse them to fresh efforts of rebellion; the other to insult the British Army in the most cowardly way that lay in their power. He gave them credit for the less dangerous and more cowardly and contemptible motive. He called upon

the House, by supporting him, to protest against constant slanders and slights being thrown upon the British Army—above all, to protest against the right of petitioning the House being made the channel of insulting any portion of the community, of lowering the army, and, through the army, the country, in the eyes of the world.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Order of the House [3rd May], That the Petition of E. Truelove and others do lie upon the Table be read, and discharged; and that so much of the Appendix to the Twenty-second Report of Public Petitions as comprises a printed copy of the said Petition be cancelled,"—(*Major Anson*),—instead thereof.

MR. BAILLIE COCHRANE said, that he regretted the absence of the hon. Member for Birmingham (Mr. Bright) from the House on this occasion, more particularly as he had had full notice of the present debate. The Motion of his hon. and gallant Friend had been for some time on the Notice Paper, and the hon. Member must have expected a discussion on the present occasion, because he (Mr. B. Cochrane) had had the honour of moving the rejection of the petition at the time the hon. Member for Birmingham presented it. His hon. and gallant Friend dwelt upon the insults to the army contained in the petition. But the question involved greater considerations than those of the army. The British Army did not need to be protected from insult—

"The blood of Douglas can protect itself."

But if hon. Members were aware of the terms in which this petition was couched, he was sure they would be of opinion that it should not be allowed to remain on record. When was the petition presented? It was at the time when the trials were going on of those unhappy men whose lives had been spared by the mercy of their gracious Sovereign. When the hon. Member presented this petition he did not read it with the clearness which would enable the House to judge of it as a whole, or the House would have supported his Motion for its rejection. But he read enough to show its character. The petition, after enumerating the alleged grievances of Ireland, went on to say that—

"In the consequent apparent hopelessness of a remedy for the evils which press on their country, honourable Irishmen may, however erroneously, feel justified in resorting to force; that, in a word, there is legitimate ground for the chronic

discontent of which Fenianism is the expression, and, therefore, palliation for the errors of Fenianism."

The petitioners thereupon prayed—

"That the prisoners taken may be well treated before trial, and judged and sentenced with as much leniency as is consistent with the preservation of order, and that in the punishments awarded there might be none of a degrading nature, as such punishments seem to your petitioners inapplicable to men whose cause and whose offence are alike free from dishonour, however misguided they may be as to the special end they have in view, or as to the means which they have adopted to attain that end."

A petition referring in such terms to men on their trial for high treason should never have been presented, and if presented ought never to have been accepted by the House. This was said of men who were on their trial for high treason and for acts which might have led to a general revolt. Last year the hon. Member for Birmingham complained of the attacks that had been made upon him. Having read the speeches of that hon. Member during the recess, and especially those delivered in Ireland—he said now what he would say if the hon. Member were present, that for the miseries and sufferings of those misguided men that hon. Member was in great part responsible. He had said that if Ireland were 1,000 miles away from England the landlords would be exterminated. Was not that an instigation to assassination? In another speech, though he could not quote the exact words, he said that if moral force would not do the people had a right to resort to physical force. The man was responsible who went into a country in such an unhappy state of excitement as Ireland then was, and made such speeches when there. He had followed up those speeches by presenting this petition. He (Mr. Baillie Cochrane) now asked, was such a petition to be allowed to remain on record?

MR. W. E. FORSTER said, he did not rise for the purpose of entering into the question which had been brought forward by the hon. and gallant Gentleman (Major Anson), and thought the House would hardly wish to dwell long upon the petition to which he had alluded. That petition was presented some six weeks ago. The Speaker and the House generally deemed it to be regular. It was a most extraordinary proceeding now to move that the Order for allowing it to lie on the table should be discharged. Whatever opinions might be entertained as to the tenour of

that petition, he hoped the House would regard the right of petitioning as sacred, and not suffer it to be interfered with. Neither did he mean to say anything in favour of his hon. Friend the Member for Birmingham (Mr. Bright), who was so able to defend himself, in answer to the attack just made upon him in his absence. As that absence had been remarked upon he might say that he supposed his hon. Friend, like most other people, thought that a Motion for the discharge of the Order in reference to a petition which had been presented six weeks ago could hardly be meant as serious. He wished simply to notice one of the remarks made by the hon. and gallant Gentleman, who stated that he was compelled to bring forward this question in order to vindicate the army from slander. He should have thought that a gallant and distinguished officer like the hon. and gallant Gentleman would not have deemed it right to speak in the terms he had done of another gallant officer of the army, once a Member of that House, and not less honourable, gallant, and distinguished than himself—namely, General Perronet Thompson. He did not believe that the hon. and gallant Gentleman would have made that attack upon that gallant General had he still been a Member of that House. At any rate he would, in such case, have been called to order for un-Parliamentary language. It was not right to make remarks about an old and distinguished officer for which an apology must have been made to him had he still been a Member of that House. So far from his hon. and gallant Friend, General Thompson, having made himself infamous in the opinion of those who best knew him in consequence of what he had said in regard to the Indian Mutiny, he had thereby only the more endeared himself to them. The gallant General, as an officer of the army, feeling strongly ashamed of much that was then done by the army in India, expressed himself in that hearty and generous manner which was habitual to him. Speaking for his constituents at Bradford, whom his gallant Friend represented at the time, he was sure that, instead of looking on him as infamous on account of the course he took, they only honoured him the more for it. He must therefore express his surprise that the hon. and gallant Member should have made such a charge against such a man, and at such a time.

Mr. Baillie Cochrane

MR. CHARLES FORSTER said, that as Chairman of the Committee on Public Petitions, he wished to state the rule upon which they acted. The Committee had no power to object to any petition owing to any fault of substance. Any such objection must be taken at the moment of the presentation of the petition; or it was competent for any Member to move, as the hon. and gallant Gentleman now did, the discharge of the Order in regard to it. In the absence of such objection, the petition had to be dealt with by the Committee according to their usual practice, which was to print all important petitions that were not couched in disrespectful language and did not contain attacks on individual character. Tried by these tests, the Committee had no option. The subject-matter was important. It related to a rebellion in the country. The petitioners were men known in the ranks of literature and law, and their opinions were such as it was thought desirable to put the House in possession of, provided they did not contravene the rule to which he had referred. After what took place on the presentation of that petition, the Committee came to no decision upon it until they had made it the subject of lengthened deliberation. They had the advantage of consulting the highest authority in the House upon it. They then came to the unanimous opinion that there was nothing in that petition taking it out of the category of petitions which it was their invariable practice to print. He conceded that it contained statements opposed to the feelings of the great majority of the House; but he asked whether it would not be a serious curtailment of the right of petition, of which the House and the country were always jealous, if on that account they were to reject or refuse to print a petition? He trusted the hon. and gallant Gentleman (Major Anson) would rest satisfied with having called the attention of the House to the subject. He would only say, on the part of the Committee, that they felt they would best discharge their duty by making their Reports the reflex of the various opinions of the country. Having endeavoured to perform that duty with strict impartiality, and with the greatest courtesy to every hon. Member, he thought he might confidently appeal to the House to uphold their decision. He hoped his hon. and gallant Friend (Major Anson) would not press his Motion, as he might rest satisfied that the

reputation of the army was not in any way injured.

MR. J. STUART MILL: I rise, not for the purpose of discussing the question raised upon the Motion submitted to us, which I cannot imagine, especially after the opposition made to it by the Chairman of the Committee on Petitions, that the House will think of adopting. I rise, moved by a feeling of self-respect, to say that if the hon. and gallant Gentleman thought it his duty to move that the petition be expelled from the House, he should go further, and move that I be expelled from it, for there is not a single sentiment in the petition which I do not adopt. I will not say that I adhere to every word in it, but to every sentiment in it I most implicitly do, and I thank my hon. Friend who presented it for having given utterance for once in this House to a feeling which nearly all England and all the world entertain. The hon. and gallant Gentleman is mistaken in supposing that utterance to be an attack on his profession. I have been infinitely more disgusted in reference to the Indian transactions referred to, by the inhuman and ferocious displays of feeling made by unmilitary persons, persons in civil life, who were safe at home, and who, it seems to me, were far more culpable than those who committed excesses under such provocation as there is no denying was given in the case of India. Even the deeds there done of inhuman and indiscriminate massacre, the seizing of persons in all parts of the country and putting them to death without trial, and then boasting of it in a manner almost disgraceful to humanity, were by no means confined to the army. I have no doubt that in many cases the habitual discipline of the army, and their professional feelings, prevented them from being guilty of such deeds. I could tell the House of gentlemen who resigned their commissions and left the army because they could not bear the deeds which they not only saw done, but were compelled by their orders to do. ["Name, name!"] I decline to name them, and by naming them to expose them to attacks like those which have been made to-night against a well-known public man, formerly a Member of this House, for the vindication of whom I return my sincerest thanks to the hon. Member for Bradford. With respect to the sentiments contained in the petition relating to the Fenians, I beg to point out that it contains a very decided and strong condemnation of their conduct. All it said

was that it was conduct of which men of honour might have been capable. That cannot be denied. It cannot be denied that such men as Wolfe Tone, Emmett, and Lord Edward Fitzgerald, however wrongly they may have acted, were the very stuff of which patriot heroes are made. The errors of the Fenians may be more blameable than theirs. Do I exculpate their conduct? Certainly not. It was greatly culpable, because it was contrary to the general interests of society and of their country. Still, errors of this character are not errors which evince a vulgar mind—certainly not a mind likely to be guilty of ordinary crime and vice—rather a mind capable of heroic actions and lofty virtue. Such acts have been committed by the most self-devoted and admirable persons. I know nothing of those particular men which can enable me to judge whether this be the case with them or not; but the conduct by which they have made themselves amenable to the law, and for which they must be punished, does not stamp them as objects of detestation, but rather of pity.

SIR CHARLES RUSSELL said, that if anything were required to justify the present Motion, which he should certainly support, it would be found in the speech which had just been delivered by the hon. Member. He felt that he was somewhat hampered in this matter, from the circumstance that he was a Member of the Committee on Petitions, and if he had discharged his duty as regularly as he usually tried to do he should have had the opportunity, when the petition came before them, of moving that it be rejected. After what had been said, however, by the hon. Gentleman the Chairman of that Committee, it was probable such a Motion would have failed. He thought it very important that the opinion should not be entertained by the army that the feelings expressed by two hon. Members was generally shared by the House or by the country. He recollected that the hon. Member for Birmingham (Mr. Bright), when he read the petition, told the House that he cordially concurred in the expressions it contained, and now that the hon. Member for Westminster (Mr. Stuart Mill) had used similar language, he wished to point out—for the question was one on which it was very important there should be no mistake—how very peculiarly, how dangerously even, the petition bore upon the country to which its prayer particularly related. He had joined

Mr. J. Stuart Mill

the army in Ireland immediately after the Clontarf meeting, and was quartered in Tipperary, where the troops were constantly employed in the most harassing duties, such as preventing faction fights, attending fairs, and escorting prisoners. He was therefore in a position to speak from practical experience of the extraordinary good temper and forbearance which the soldiers on every occasion manifested. So great was their forbearance, and so completely was it acknowledged throughout the country, that it was a thing of common occurrence to receive them with cheers when they entered a fair, instead of with hootings, as appeared to be since but too frequently the case. What he wished to impress upon the minds of hon. Members was that if by statements made in that House the people of Ireland were led to believe that a tyrannical disposition towards them prevailed among the soldiery, and that there was a desire on their part rather to injure them than to act as the supporters of law and order, a degree of ill-feeling would be created which it was most undesirable should exist on one side or the other. If the hon. Member for Westminster (Mr. Stuart Mill) had read the evidence—every word of which he had read—taken at the coroner's inquest in the case of the Dungarvan election he would see how very angry the feeling was which prevailed. His acute and, he believed impartial, mind, would be forced to admit that the troops on that occasion had exhibited the most extraordinary forbearance. Consequences followed the outbreak which everybody must deeply deplore, the traces of which would not, he was afraid, be so easily expunged as he hoped the present petition would be from the records of the House. The army was not in that position that it need ask for mercy, but it demanded justice. If our soldiers and officers were not supported fairly and frankly in the performance of duties generally difficult, often dangerous—if, especially, they did not see that there was in the House of Commons a determination to stand by them—they might not, in the hour of need, with every desire to do so, be able to render those services we should require at their hands. A feeling might unwittingly have been built up against them which they would not find it easy to combat, and which might bring about most disastrous results. Entertaining those views, he begged to thank his hon.

and gallant Friend opposite (Major Anson) for having brought forward a Motion, which, notwithstanding that he was a Member of the Select Committee on Petitions, he would, if it were pressed to a division, cordially support.

MR. REARDEN said, that the reception of the petition might more fairly have been opposed on the occasion of its being presented than that evening, when there were very few Irish Members in attendance. As to the army, there was no part of the British dominions in which it was usually treated with greater cordiality than in Ireland. The grievances of Ireland, he regretted to say, had come in for a very small share of the notice of the hon. and gallant Gentleman who had spoken that evening. Yet those grievances bore heavily on the country, and called loudly for redress. Since the Union millions had been spent on the maintenance of a Church which was not that of the Irish people, while the land was every year drained of millions by absentee landlords. The position of Ireland was something like that of a living body placed upon a dissecting table and having its life blood drawn away drop by drop. For such a state of things that House, he regretted to say, did not seem disposed to provide a remedy. Circumstances might arise in Europe which would cause a different feeling to prevail, and which might secure for Ireland that without which she never would or ought to be satisfied—self-government. If this were done the necessity for presenting such petitions as the one now under discussion would be done away with for ever. In giving expression to those sentiments, he wished it to be understood that he was a loyal subject of Her Majesty, and that he had no sympathy with the recent Fenian movement.

MR. DARBY GRIFFITH said, that much in the petition in question might perhaps be excused had it emanated from Irishmen, instead of being signed by persons who lived within the sound of Bow Bells, some of whom were known to entertain extreme revolutionary opinions. Among them was one, E. Truelove, a person who he was informed kept a small second-hand book-shop near Temple Bar, containing a large stock of infidel tracts and publications. The petition was made up by persons from Birmingham, Bradford, and similar places. Truelove had been described to him as a Chartist, accompanied by other epithets he had no wish to repeat. The petition

was signed by persons of extreme opinions, and was a mere pretence in order to enable them, by a perversion of Parliamentary forms, to enunciate treason in that House. The hon. Member for Birmingham (Mr. Bright), who presented it, did not venture to appear on the present occasion. He should be extremely surprised if the House justified a proceeding of this kind, by which an hon. Gentleman was enabled to read to the House any sentiments, however treasonable and subversive of the Institutions of the country. There was a well-known rule against any Member reading the contents of a petition he presented; but the hon. Member read, he believed, the whole of this petition. Besides which, even this rule was virtually evaded, when the prayer of a petition was made the vehicle of conveying sentiments like these. It was said that if the petition had been presented by any other but the hon. Member no one would have objected to it. But he was inclined to think, on the contrary, that any person of less influence in the House would have been stopped in reading it. He did not understand the distinction between words spoken in the House and words read from a petition. Some nights ago an hon. and gallant Gentleman (Sir Henry Edwards) imputed a sympathy with Fenianism to Members on the other side of the House, and he was called to order for doing so. Such being the case he did not understand how any Gentleman on the Opposition Benches could be allowed, under the cloak of presenting a petition, to read words setting forth that "honourable Irishmen may, however erroneously, feel justified in resorting to force," and "whose cause and whose offence are alike free from dishonour." He trusted that the hon. and gallant Gentleman (Major Anson), who had brought this subject forward, would proceed to a division.

MR. NEATE said, he inferred from the observations of the hon. Member who had just sat down that the Motion before the House was meant not so much as a censure against the petition as a censure against the hon. Member for Birmingham. The fact of that hon. Member not being in his place constituted a sufficient reason for not pressing the Motion to a division. The petition, like most petitions, outstepped the fair limits of a petition. But it was not unreasonable for people, taking into consideration the excessive severity exhibited on the only two recent occasions

when the British Army had to act, remembering also the unexampled severity, as compared with other nations, which this country, however ready to encourage sedition and disaffection in other countries, displayed in dealing with rebellion on its own soil—it was not unreasonable that those who took an interest in humanity, and in the honour of the country, should express a hope that the House would not countenance a repetition of such acts. After the temperate manner in which the hon. Member for Walsall (Mr. Charles Forster) had put the case before the House he trusted that the Motion would not be pressed to a division.

COLONEL NORTH said, he could not help rising after hearing the remarks of the hon. Member. It was all very well for that hon. Member and for the hon. Member for Westminster (Mr. Stuart Mill), who had remained quietly by their firesides in England, to talk of the atrocities of the British Army in India and Jamaica. In cases of disturbances in this country everyone who knew anything about British soldiers was well aware how impossible almost, no matter what provocation they received, it was to get them to act in the manner they were called on to do, so great was the feeling of forbearance on their part. It was too hard that the hon. Member for Westminster, who was himself leader in a persecution—one of the grossest ever perpetrated—against the late Governor Eyre, should accuse British troops of inhumanity. Did the hon. Members who spoke of the brutality of the British troops in India think that they ought to have coolly witnessed the outrages and murders of which so many English women and children were the victims? Hon. Members stated that it was wrong to bring forward the present Motion in the absence of the hon. Member for Birmingham; but that hon. Member was in the constant habit of abusing men behind their backs, and then taking very good care to be absent when they were present to defend themselves. With regard to General Thompson, the hon. and gallant Gentleman who brought forward the Motion now before the House would have held the same language, whether in the presence or absence of General Thompson. He thanked him for the manner in which he had called attention to the subject under consideration. The petitioners alleged that they were

“Justly alarmed by their recollection of the
Mr. Neate

atrocities perpetrated by the English troops in Ireland in 1798, and also by their recollection of the conduct of the English army and its officers in India and Jamaica.”

It was evident that the individuals who signed the petition did not know the circumstances of the case, for no men could have behaved with more consideration than the troops in India and Jamaica. These were gross slanders on the British Army, and he was glad his hon. and gallant Friend had made the remarks he had on the subject. He should certainly divide with him if the Motion were pressed.

MR. DODSON said, he did not rise for the purpose of entering into any criticism on this petition. He had no wish to vindicate either the spirit by which it was inspired or the terms in which it was expressed. But it seemed to him that they were in danger of travelling much beyond the Motion of the hon. and gallant Gentleman (Major Anson). Certainly he had no wish to join in the strictures which had been made on the conduct of the British Army in India or elsewhere. Nor did he rise to defend the hon. Member for Birmingham (Mr. Bright), who, as already observed, was able to take care of himself, and might have been here this evening had he thought proper. He rose for the purpose of asking them seriously to consider, before going to a division, the kind of precedent they might make in reference to petitions presented to the House. Petitions to that House were only rejected on four grounds—first, because they were in some way informal; secondly, because they were disrespectful to the House of Commons or to the other House of Parliament; thirdly, because they violated the rules of the House by referring to debates that had taken place in it; or, fourthly, because they prayed for a grant of money. The petition under consideration, whatever its defects, did not violate any of these rules. Was the House then prepared, at very short notice, to make a fifth rule and impose some further restriction on the right of petition? He did not defend the petition except so far as to say that it was not a violation of the rules of the House. He feared the proposal might by some persons be regarded as a restriction on right of petition, and was of opinion that such a step ought not to be taken without the most careful consideration. He would suggest that the hon. and gallant Gentleman should rest satisfied with having called attention to the petition, and with the feel-

ing he had elicited from a large number of hon. Members in favour of his view, and that he would not proceed to force the House to a division, which would run the risk of being misinterpreted out of doors, and might, perhaps, become the means of establishing a precedent which might prove inconvenient hereafter.

MR. POWELL said, the House was in a difficulty in being called upon to discuss a petition which had not been read to the House that night. His first impression was that the petition had been read, *per incuriam*, that it ought not to have been received, but on examining it more fully it appeared to him to be a petition which the House could not fairly reject. It was one of an extraordinary character, containing a most peculiar mixture of argument and fact. In the first sentence Fenianism was deprecated, not on the ground that it was erroneous and an evil to the State, but because it was a secret movement; and in the same sentence there was a declaration that it had not been shown that violence was the only means remaining for obtaining the ends proposed, and a suggestion that the ends were legitimate and right. There was another statement that Irishmen might feel justified in resorting to force, however erroneously. He thought it was better and safer for the State that petitioners should approach the House proclaiming their sentiments publicly than that they should form private cabals and the hideous projects of foreign assassins. He did not think Parliament ought by force and vigorous action to set its foot on such enunciations of opinions, however wild and erroneous. Under all the circumstances, he hoped the hon. and gallant Gentleman would be satisfied with the discussion he had raised, and would not press his Motion to a division.

MR. BONHAM-CARTER said, he entirely concurred in the opinion expressed by the hon. Chairman of the Committee on Petitions (Mr. Charles Forster). Having long sat as Chairman of the same Committee, he might say they had always felt it to be their duty not to allow any personal opinion on the subject-matter of a petition to influence their decision as to whether it should be printed. The first question was whether a petition was of sufficient importance to be printed after it had been received in due form, and not found to be open, on subsequent inquiry, to any objection which might have arisen if the petition had been read at the table.

The petition had very considerable attention called to it. The question was whether the petition ought to have been printed after being received by the House and no comment made on it.

MR. BAILLIE COCHRANE said, he had opposed the reception of the petition.

MR. BONHAM-CARTER: He begged pardon; he was not in the House at the time. The petition was brought before the Committee, which was composed of Members from both sides of the House. He had himself taken exception to some parts of it—to the signatures, for instance,—and had asked whether the hon. Member for Birmingham (Mr. Bright) would be responsible for the authenticity of the signatures. Members of all parties were ready to admit the general principle that the House should be put in possession of opinions, however distasteful to the majority, so long as they were respectful to the House, and did not transgress the rules of the House by commenting upon the Crown, the Houses of Parliament, and some other constituted authorities. He regretted that the hon. and gallant Gentleman had thought it his duty to defend the army of this country against the attacks made upon it in this petition. The army did not need defence. Should the House agree to this Motion they would be departing from the rule that no restriction should be placed upon persons petitioning who believed they had a grievance. Under these circumstances, he trusted that the hon. and gallant Member would adopt the suggestion of the hon. Gentleman the Chairman of Committees, and would withdraw his Motion.

MR. WATKIN said, he hoped that the hon. and gallant Gentleman (Major Anson) would not press his Motion for two reasons. In the first place, if it succeeded the public might suppose the House had come to the determination not to listen in future to expressions of discontent from any quarter; in the second place, because if the Motion were pressed a fictitious importance would be given to a most contemptible document. The petition, he repeated, was a most contemptible document, and he must express his surprise at any person supposing that the honour of the British Army could be affected by the statements it contained. The honour of the British Army was in the care of the British people, and military men might well afford to treat such attacks as that contained in the petition with the contempt they deserved. He regretted that the hon. Member for Westminster

(Mr. Stuart Mill) should have thrown the shield of his position over the petition. It was absurd to compare Emmett or Wolfe Tone with those who had presented this document. The terms "Fenian" and "miscreant" were convertible. There was no excuse for those whose late actions had disfigured the history of Ireland. Still, in his opinion, it would be better if the hon. and gallant Member would be content with having elicited from the House a strong opinion upon the petition, and would withdraw his Motion.

MR. AGAR-ELLIS said, that the hon. and gallant Member, by pressing his Motion, would put many Members of the House in a false position. However much they abhorred the statements in the petition, they might be compelled to vote against the Motion as imposing a restriction upon the right of petitioning.

THE CHANCELLOR OF THE EXCHEQUER: I have no doubt that the verdict of history upon the conduct of the British Army in India will be very different from the opinion respecting it expressed in this petition. That verdict will rank the achievements of our army in India among the most heroic deeds which have been recorded in ancient or modern times. Nor would it be easy in the history of any nation, at any time, to find instances in which the marvellous energy and fertility of resource displayed by our army under such difficult circumstances have been equalled. I am not at all surprised that the hon. and gallant Officer (Major Anson) has brought this matter under the consideration of the House. The hon. and gallant Officer is proud of his profession, and I may be permitted to say that his profession is proud of him. But when we come to consider all the circumstances connected with the presentation of this petition, I think it would be well if, after the almost unanimous expression of opinion of the House as to the character of the petition, the hon. and gallant Officer were to hesitate for a moment before he proceeds with this Motion. Some considerable time has elapsed since the petition was presented. At the time it was presented the highest authority in this House stated most accurately that when it was printed it would be open to any Member to call attention to its character, which was at that time very properly impugned. After that expression of opinion, however, the petition was subjected to the recognised tribunal of the House with respect

Mr. Watkin

to these matters. I think we may take a large view of the circumstances, and I cannot help feeling that the House will hesitate a great deal before they declare that any expression of opinion by persons out of the House offered to our consideration shall be suppressed. During the time I have had the honour of sitting in this House petitions have been presented to it containing the most violent expression of opinions—opinions which were opposed to the views I held, and which were entertained by my political friends—petitions which cast aspersions upon the Institutions most dear to us, and which expressed sentiments repugnant to our most cherished convictions. But the House has always considered that the liberty of petitioning should be indulged even to licentiousness rather than that it should be supposed to be in any way restricted. It might, perhaps, have been a better exercise of discretion had the Committee not printed the petition. Much, however, might be said upon both sides of even that question, since it might not, perhaps, be to the credit of the House of Commons if an idea were to get abroad that it shrank from publishing an expression of opinion of which they disapproved. I think that the expressions of opinion contained in this petition are disapproved by the entire body of the House, with very rare exceptions, and that few coincide in the opinions heard to-night from an hon Member (Mr. Stuart Mill) whom we all respect. But looking at all the circumstances, we must consider not whether there may not be some expressions of opinion in this petition which cannot for a moment be justified, which are outrageous in sentiment, and which are erroneous in argument—but whether by the solemn act of the House of Commons rejecting a petition presented to them by persons who, from their education and social position, ought to be of respectable character, we shall not appear to sanction the idea that we are endeavouring to suppress opinions of which we do not approve. Will it not be better to permit the expression of such opinions, however wild, however erroneous, and however painful they may be to the House as a body, or to the individuals of which it is composed, than that it should be for a moment supposed that we shrink from their being made public? I think that, considering all the circumstances of the case—the time that has elapsed since the petition was presented, the decision pro-

nounced by the highest authority of the House acting, in strict conformity with history and precedent, that the petition should be referred to the Committee of Selection, and the decision of that Committee that the petition should be printed—I think under all these circumstances that it should be permitted to rest upon the table. I think that it would not be expedient for us now to take the course recommended by the hon. and gallant Gentleman (Major Anson), though none of us ought to shrink from expressing our opinions as to the petition itself. I am satisfied that the reputation of the British Army will not suffer in the estimation of the country from this unfounded and malevolent criticism. Attacks of this kind will only cause the people to recall to their minds the glorious deeds which have been performed by that army. The rapidity with which events succeed each other may prevent our thinking of the past—even when the past is so recent and so memorable as the Indian Mutiny—as frequently as we ought. But a discussion like that which has occurred to-night will recall to the memory of the people of England the events which then occurred, and with those events will be recalled the unrivalled heroism displayed by our troops throughout that desperate contest. The English Army can afford to treat with the contempt it deserves such a production as this petition, considering the quarter from which it emanates, and the persons on whose behalf it has been presented.

LORD ELCHO said, that as the forms of the House prevented the hon. and gallant Gentleman (Major Anson) from replying, he might be permitted to say, on behalf of his hon. and gallant Relative, that it was not through any fault of his that the hon. Member for Birmingham (Mr. Bright) was absent on that occasion. The hon. Member for Birmingham knew that it was the intention of the hon. and gallant Gentleman to bring this subject before the House previous to the recent recess. The hon. Member for Birmingham having to attend an American dinner, begged of the hon. and gallant Gentleman to postpone his Motion, on the ground that he wished to be present when it came on for discussion. The hon. and gallant Gentleman consented to postpone his Motion, but told the hon. Member that he should bring it on the very first night after the recess. He hoped that under these circumstances the hon. Member for Bradford (Mr. W. E. Forster), who thought that the hon. and

gallant Gentleman was likely to say behind people's backs what he would not repeat before their faces—though this was not perhaps a fault so characteristic of him as of some others—would see that it was not owing to any fault of his hon. and gallant Relative that the hon. Member for Birmingham was not in his place. If the hon. Member preferred fishing in Ireland to being in his place in the House, that was not, of course, the fault of his hon. and gallant Relative. No man had a better right to speak upon this question than his hon. and gallant Relative had. His hon. and gallant Relative had served throughout the whole of the Indian Mutiny, and was actively engaged in its suppression from the first shot that was fired before Delhi to the last in Nepal. He well recollected his hon. and gallant Relative in his letters from India at that time stating how keenly those who, with such fearful odds against them, were endeavouring to rescue our Empire in India from destruction felt what was said about them by certain portions of the press of this country and by others; how keenly they felt what was said in this House; but above all the observations which had been made by an hon. and gallant General (General Thompson), whose position in the army had rendered the injustice more unpalatable than if it had appeared in the most important journals of the country. If the hon. and gallant General had thought it right on that occasion to rise in his place and to refer to the handful of British troops who were struggling to maintain our authority in India as “hangmen and murderers,” it was not for the hon. Member to accuse his hon. and gallant Relative of being afraid to say to a man's face what he would say behind his back, because being one of those thus stigmatised in his absence, he complained of the language then employed by the hon. and gallant General. He could not therefore think that his hon. and gallant Relative deserved the censure which he had received at the hands of the hon. Member for Bradford.

MAJOR ANSON said, that in deference to the opinion of his hon. Friends and of the House, he was ready to withdraw his Amendment. [“No!”]

Question put, “That the words proposed to be left out stand part of the Question.”

The House divided:—Ayes 43; Noes 11: Majority 32.

Main Question proposed, “That Mr. Speaker do now leave the Chair.”

CASE OF MR. CHURCHWARD.

QUESTION.

Mr. TAYLOR rose to call attention to Her Majesty's gracious Answer to the Address of this House, voted March 19th, on Churchward and others, and to ask the Secretary of State for the Home Department, What steps have been taken in pursuance of the intimation therein contained? The hon. Member having read the Address as follows:—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions for the removal of all persons in the Commission of the Peace of any County, City, or Borough who have been found, either by Committees of this House or by Royal Commissions guilty of, or privy or assenting to, corrupt practices at Parliamentary Elections,"

addressed the House at considerable length on the position of Mr. Churchward, consequent upon the Reports of the Select Committees of 1853 and 1859, and his proposed appointment to be a justice of the peace for the county of Kent, concluded by asking the Home Secretary on what principle the Government had advised the Crown to act with regard to the Address of that House on the 19th March last?

Mr. GATHORNE HARDY said, no doubt great difficulty had arisen in consequence of the vote of the House on this matter, but we must take exception to the manner in which the hon. Member for Leicester stated the case to the House. It did not represent the circumstances of the case. The hon. Member brought forward a Motion which involved the character and position of a particular person—namely, Mr. Churchward. When the hon. Member brought forward that Motion—not a rider was added—but an Amendment was moved, taking away the name of that particular person, and involving all persons who had been reported upon by Commissions and by Committees of the House. Immediately upon that Motion being agreed to it was referred to the Lord Chancellor, it being his duty to look into this question. But the Lord Chancellor was placed in the greatest difficulty, and the House would see that it was absolutely impossible for an officer of State to act in accordance with the views of the House when these views were not definitely expressed. The Lord Chancellor, in the first instance, directed his Secretary to investigate the records of all the Committees which had

sat since the period that it was thought probable the House might have in view—namely, since Commissions under the present system were first instituted. Beginning with the General Election of the year 1852, that period would include the case of Mr. Churchward in 1853, to which the hon. Member had alluded. Having gone carefully through the proceedings of Committees, he next proceeded to those of the Royal Commissions. Here he was placed in this difficulty. The Commissions had not confined themselves to elections which took place since 1852, but had investigated others as far back as 1842; therefore the Lord Chancellor, in dealing with two sets of investigations which had taken place nominally within the same period, would have affected persons implicated in transactions earlier by ten years in one case than in the other. The House, in fact, had not laid down any rule by which its officers could be guided in dealing with the subject; and he must frankly say that by this omission it had created a difficulty almost incapable of solution. There was this further difficulty. The Lord Chancellor, if he acted in accordance with the vote of the House, might be bound to go back not only to the year 1852—there was no reason why he should stop there—but to the period of living memory, so as to include any person now living and in the Commission of the Peace who at any time had been reported upon by Committees or Commissions for corrupt practices. One of the points taken by the hon. Member for Leicester was not without considerable force. Anybody who looked over the Reports of Committees must see that these varied very materially as to the weight of evidence existing against the particular persons who were reported upon. In one case, a person might be directly implicated, in another case, only through the acts of his agents. In some instances names of persons were simply reported as having been guilty of corrupt practices without saying whether this was personally or through the agency of others, or with or without their own cognizance. Though Members were, of course, liable for the acts of their agents, they might not in many cases have been parties to the guilt of the transaction. The hon. Member for Leicester had suggested that different degrees of guilt in bribery might be dealt differently with; but this would be difficult to carry out. This further consideration must be borne in mind. No doubt, as

far as an election and the House were concerned, the Report of the Committee was a complete piece of evidence, which could be acted upon as far as the seat was concerned; but where penal consequences were in contemplation, it had never yet been held that persons unconvicted of bribery by a jury were in the same position as persons who had been convicted. Over and over again, where cases had been referred to the Law Officers of the Crown, it was held that there was not sufficient evidence to justify a prosecution for bribery. There might be grounds sufficient to unseat the Member, and yet not enough to warrant the infliction of additional pains and penalties. There were cases again where prosecutions had been ordered and had yet failed to procure a conviction. Again, the House itself had not always treated this question of bribery with the same amount of severity. In his own short recollection of Parliamentary proceedings he could recall a case in which an hon. Member stood up and said boldly, when a question arose as to a number of men—not 20, but 250—being paid, and he was told that they would not vote without being paid, “Well, pay them.” That statement was received at the time with loud laughter; he heard it with some surprise, he confessed; but the hon. Member who made it was never treated in any different manner by the House or his friends—he was never removed from the House, nor were any proceedings taken in consequence. By the Amendment which was carried to the Motion of the hon. Member for Leicester, Mr. Churchward had been put on exactly the same footing as the other persons alluded to by that Motion. Mr. Churchward’s name, in fact, was struck out of the question altogether. The Lord Chancellor had done his best to comply with the terms of that Motion; and unless the House gave him further instructions he did not see how he was to proceed further. It was impossible to discriminate between those who were to be retained and those who were to be dismissed from the Commission of the Peace. The hon. Member for Leicester had alluded to what had taken place at Lancaster, where the Chancellor of the Duchy, having appointed three persons to the Commission of the Peace, had dismissed two from office, because in the present Session their names had been reported in connection with the notorious transactions in that borough.

The hon. Member seemed to imagine that only the two Liberal ex-Members had been displaced; but, according to the statements in the papers, Mr. Wilson, the leading politician on the other side—Mr. Lawrence, the candidate, not being himself implicated in the bribery—had also been removed from the Commission of the Peace. Therefore, as far as the case of Lancaster was concerned, there had been no partiality and no party feeling in the matter. Dealing candidly with the question, he must say that the House had put the authorities into a position in which they were incapable of acting without committing injustice towards some parties. He also felt bound to suggest that as Parliament had sat subsequently to the Reports of these Commissions and Committees, it might be a point for the consideration of the present Parliament whether it ought to travel beyond its own existence into transactions not immediately within its own cognizance. Members were now sitting in Parliament and magistrates were now sitting on the Bench whose conduct of late years no one had impugned, but whose names had formerly been implicated—he would not say with what foundation of truth—in transactions of bribery. Under all the circumstances, the House would see that it was impossible for the Government or for the Lord Chancellor to proceed further until the House gave implicit directions as to the mode in which they were to act.

TREATY OF LUXEMBURG.

QUESTION.

MR. LABOUCHERE said, he rose to call attention to the treaty relative to the Grand Duchy of Luxemburg, and to the correspondence respecting that Treaty which had been presented to both Houses of Parliament, and to ask the Secretary of State for Foreign Affairs Questions as to the extent of the obligation to which this country had been pledged. Some of the stipulations of the Treaty of Luxemburg appeared to be directly at variance with the principles of non-intervention supposed of late years to regulate our foreign policy. He did not mean by non-intervention absolute political isolation, but the principle that we should not fight other men’s battles, or enter into any political alliances which were not absolutely necessary for our own safety. The guarantees entered into by this country for the independence of Belgium and of Turkey stood on very

different ground from that given recently with respect to Luxemburg. Nobody could contend that the possession of Luxemburg, either by France or Germany, would menace or disturb our interests. The guarantee was given on the distinct ground that without such guarantee war would have ensued between France and Prussia. This seemed to him intervention in its most insidious and dangerous form. Press this doctrine to its legitimate consequences, and within a given time every spot of debatable land in Europe would have its independence and neutrality secured by a guarantee to which we should be made parties. To prevent war breaking out we might thus be called on to give guarantees in respect of the Southern Tyrol or Northern Schleswig or of any other province lying between two powerful neighbours who threatened to disturb the peace of Europe. At the time when a war with America seemed likely, we might have felt grateful to the Emperor of the French for stepping forward with a guarantee affecting Montreal and the Canadian Lakes; but would his own subjects have been pleased? He was surprised at the enthusiasm which the conduct of the noble Lord (Lord Stanley) in the Conference had elicited. He thought the noble Lord himself must be still more surprised at it, because he had always been supposed to be the advocate of neutrality. In this instance we had been over-generous, and had discounted our future prosperity for the present tranquillity of Europe. This was not statesmanship; it was mere "hand-to-mouth" policy. The noble Lord had stated that the case of Luxemburg was a very special one, and that the guarantee to which he was a party only limited an existing guarantee. He was surprised when he heard the noble Lord make that statement, because he had not been aware of any general guarantee with respect to Luxemburg. It would also have been strange if Count Bismarck, who was to have gone to war if he did not obtain a guarantee, should have been satisfied with an agreement which only limited a guarantee already existing. The noble Lord referred to the Treaty of 1839, which repeated the terms of the Treaty of 1831. The guarantee contained in the Treaty of 1831 was simply one on the part of the five Powers guaranteeing the independence and neutrality of Belgium on the one hand, and on the other, that while Belgium was being re-constituted no further sacrifice of

territory should be required of the King of the Netherlands. It was admitted at the time that the five Powers had no authority to deal with the question of Luxemburg, which was one completely under the control of the Diet, it was left in the position in which it stood by the Treaty of Vienna. Lord Palmerston, in reply to a Question put to him on the subject, stated that to be the position of the matter as regarded the guarantee of the Treaty of 1831, repeated in the Treaty of 1839. He could not therefore understand why the noble Lord (Lord Stanley) entertained this delusion on the subject. In the Conference the noble Lord obtained no recognition of his view as to an existing guarantee, though Count Bismarck, for the purposes of Prussia, was quite ready to encourage the noble Lord's delusion. British Ministers abroad did not entertain it. In a despatch from Lord Loftus it was stated that Count Bismarck wanted something more than a moral engagement on the part of the Powers. He asked for a European guarantee. The King of Prussia did not care for a moral guarantee. The noble Lord (Lord Loftus) had proposed a collective guarantee, by which each party would have been bound not to attack Luxemburg; but none of the parties would have been bound to defend it, except in the improbable case of its being attacked by some European Power not a party to the treaty—which could only have been some small Power—or by, perhaps, the Emperor of China. But the guarantee proposed by the noble Lord was not adopted as he had submitted it. If Luxemburg had been attacked, it would, until the present year, have had the help of the whole Confederation, and would never have needed assistance. But what was our position now? He found from the correspondence that Count Bismarck had always insisted on having something definite decided upon before he withdrew the German garrison. Count Bismarck explained his view of the guarantee, and the noble Lord (Lord Stanley) had never contradicted it; therefore the noble Lord must be supposed to have given his assent. An important addition was made to it on the part of Prussia, and it was adopted in its amended form. The word "neutrality" might have a large sense or a very limited sense. According to M. Moustier, the Foreign Minister of France, the "neutrality" of Luxemburg might not be inconsistent with the passage of troops through the Duchy. The noble

Lord appeared to have admitted that a violation of the treaty would be constituted if an army marched through the territory; but a glance at the map would show that it was almost impossible that war could be waged between France and Germany without an army passing through the Luxemburg territory. If therefore we were to take Count Bismarck's view of our obligations, we should be bound to go to war. Nothing had done so much harm to the English name as a certain recklessness in undertaking obligations and a great discretion in fulfilling them. Lord Palmerston managed to get through the Conference which created Belgium without involving us in any sort of obligation which might lead us to war in respect of Luxemburg. Our obligations should be clearly defined, so that we might know what our responsibilities were. He was opposed to all these collective general guarantees and alliances; they did more harm than good, and instead of preventing war, tended to make local questions European questions. There were special reasons why we should have nothing to do with these European questions. Our insular position constituted us the natural peacemakers of Europe; and we ought to continue untrammelled by any obligations which would bind us to take part with one side or the other. Even supposing that England might be brought to raise armies and find treasure for a war to prevent a Dutch province from becoming German or French, was it likely that our colonies would incur the risks of war for such an object?

MR. BAILLIE COCHRANE said, he found it difficult to follow the speech of the hon. Gentleman, who, while complaining of the course taken by his noble Friend (Lord Stanley), maintained that we were the natural peacemakers of Europe. The latter assertion had never been better exemplified than by the late proceedings. That a Continental war was not raging at the present moment was owing to the admirable judgment and discretion of the noble Lord. The hon. Gentleman complained of the noble Lord having interfered. If he referred to the despatches, especially to those of Lord Augustus Loftus, he would find that he was requested by every one of the Great Powers to come forward with his influence to prevent such a calamity as a war on the Continent. He understood the hon. Gentleman to object to the guarantee which had been given by the noble Lord. If the hon. Gentle-

man referred to the draft of the original articles drawn up by the noble Lord he would see that the noble Lord had adopted almost the words of the Treaty of 1839 with respect to Belgium. Those words were—

"Belgium, within the limits specified hereinafter, shall form an independent and perpetual neutral State. It shall be bound to observe such neutrality towards other States."

In the draft treaty proposed by his noble Friend there was an article almost verbatim the same—

"The Grand Duchy of Luxemburg, within the limits determined by the Act annexed to the Treaties of the 19th of April, 1839, under the guarantee of the Courts of Great Britain, Austria, France, Prussia, and Russia, shall henceforth form a perpetually neutral State. It shall be bound to observe the same neutrality towards all other States."

If the hon. Gentleman referred to the despatch of the noble Lord to Earl Cowley on the 27th of April, he would find that after the noble Lord had informed Count Bernstorff that Her Majesty's Government could not consent to take part in a Conference, except on an assurance from both parties that they would abide by its results—

"Count Bernstorff expressed his full conviction of the intention of England to act impartially in this matter; but he had no instructions that enabled him to say whether the condition which I had treated as indispensable could be complied with by his Government or not. A little later Count Bernstorff returned, and read to me the following telegram which he had just received:—'Count Wimpffen announces to Count Bismarck that the French Government has declared to Prince Metternich that they accept Conference on basis of neutralization of Luxemburg. Count Bismarck has replied that Prussia will do the same, and Count Bismarck expects an invitation; and that Prussia is prepared to concede the evacuation and the raising of the fortress, if the Conference expresses as the result of its discussions the wish that she should do so, and at the same time gives an European guarantee for the neutrality of Luxemburg, such as now exists in the case of Belgium.'"

That was exactly what was in the original treaty. The hon. Gentleman thought everything turned upon the term "collective guarantee;" but if the negotiations had fallen through because that term was not accepted, the result would have been most unfortunate. The term could not be of such very great importance. The Foreign Office had simply used the terms of the treaty drawn up in 1839. At the period at which those Conferences were held there was very great danger of war breaking out on the Continent, and it was

owing to the wise and moderate counsels of the noble Lord that so great a calamity had been averted. He was therefore surprised at the speech of the hon. Gentleman. He was expressing the opinion of the House and of the country in congratulating the noble Lord most sincerely on the results of his efforts on the present occasion.

MR. DARBY GRIFFITH said, he agreed generally with the remarks of the last speaker. He willingly bore testimony to the frank and open manner in which the noble Lord had informed the House of the proceedings he was taking; but what he wished to refer to was the Constitutional question involved in allowing a Secretary of State to act according to his discretion. If they happened to have a Minister more reticent, and in whom they had less confidence, they might be involved in complications out of which there was no release but war. When the power was wholly vested in that House, did they think it would tolerate the Secretary of State saying, *Meâ virtute me involvo*, and wrapping himself up in his own authority, under the name of the Prerogative of the Crown? It would be somewhat ridiculous for the House to call in question the wisdom of forming obligations after they had been entered into.

MR. AYTOUN said, that lest his silence should be construed into approval of the conduct of the noble Lord the Foreign Secretary and of the Government, he rose to enter his protest against that conduct involving us in a guarantee of foreign territory. He was surprised at the conduct of the noble Lord. A few years ago, in a speech to his constituents, he declared himself in a most decided manner against all interference in Continental affairs, and against our being involved in the Eastern question. The noble Lord had abandoned the opinions he then held, and had signalized his holding of office by direct interference in Continental affairs. Did the noble Lord wish the House to understand that if the neutrality of Luxemburg were violated, this country was bound to interfere by force of arms? If that were so, what became of the power of the House to regulate the granting of supplies to the Crown? If it were in the power of every Government, without consulting the House, to enter upon engagements which necessitated the granting of supplies, in what manner did the House control the public expenditure? Was it the

noble Lord's view that if Luxemburg were violated next month it would be as much as ever in the power of the House to refuse supplies for war? If it were in their power, what became of this guarantee? If it were not what became of the power of the House to regulate the public expenditure?

LORD STANLEY: The hon. Member who spoke last has risen, as he says, for the purpose of expressing his disapproval of my conduct—which nobody questions his right to do—and for the purpose of putting two Questions to me. One of those Questions is whether this country is bound to interfere by force of arms in the event of any attack being made upon Luxemburg; the other is, what in that case becomes of the right which belongs to the House to grant or refuse supplies for the purpose of making war? It seems to me that the latter Question answers the former. Nobody doubts that this House has power to grant or refuse supplies at its discretion. If it can do that it is quite clear that this House is in the last resort the sole judge whether wars are to be made or not. That is a Constitutional principle; it does not require an hon. Member to call on any Minister to affirm it; it therefore disposes of the hon. Gentleman's first query—namely, whether the House has had taken away from it its freedom of action in the event of a quarrel arising respecting this matter of Luxemburg. My hon. Friend (Mr. Darby Griffith), for the courtesy of whose speech I beg to offer him my acknowledgments, complains that this treaty has been made by the Government in the first instance, and that the House has only the power of discussing it when the country is pledged to the obligations thereby incurred. All I can say is that that is the Constitution under which we live, the power of making treaties is vested in the Executive upon their responsibility. If I may judge from my own feelings, so far from trying to strain that responsibility a Minister will always desire to be supported by the knowledge that the opinion of the House is in his favour. But that opinion cannot always be formally taken. Negotiations are often urgent in point of time, and will not await the convenience of our Parliamentary debates, that was the case in the present instance. I come to the remarks of my hon. Friend who introduced this subject. Nothing can be more reasonable than the Questions he has put to me. I do not

agree in his criticism, which seems to be founded upon delusion; but I entirely sympathize with the feeling by which that criticism and those Questions were dictated. I do not at all dispute the general doctrine he has laid down. I feel as strongly as any one can do, the expediency of diminishing rather than of increasing the diplomatic liabilities of this country. That is a doctrine I have always advocated in and out of this House. Far from being surprised at the objections taken by hon. Gentlemen in this matter of Luxemburg, I feel some surprise and some gratification that their objections should not have been more serious, and their questions more numerous and searching. That they have not been is evidence, as far as it goes, that the House and the public so far as they have the facts before them—and I have kept back nothing—have appreciated the difficulty and the gravity of the situation. They have appreciated also the necessity—for it was that under which we acted—and the very slight difference in the position of England as regards Luxemburg which has, in reality, been effected by the treaty of last month. First of all, as regards the gravity of the position. I may say, now that the matter is over, that when proposals were first made for a Conference there was in my mind—and I believe in the minds of others that were concerned in the matter—very little hope that the Conference would be successful, and that war could be averted. France had attempted to purchase Luxemburg from the King of Holland, alleging that the German right to garrison the fortress had ceased with the dissolution of the old Confederation. The negotiations entered into for that purpose were objected to by Prussia, and it was finally put an end to by the King of Holland withdrawing the consent he had given to the arrangement. To that withdrawal the French Government made no objection; but they contended that, circumstanced as Germany now was, with all its power concentrated in the hands of Prussia, with a powerful military Empire established on their frontier, which might be formidably aggressive, whereas the old Confederation which it had superseded had no power but of defence—and if we may judge from what has passed, not much power even for that purpose—the French Government contended that the occupation of Luxemburg by Prussia would be a dangerous menace to their frontier, and

insisted on Prussia withdrawing their garrison. To that demand on the part of France Prussia's answer, in the first instance, was a positive refusal. It was quite clear that matters could not remain on that footing. In both countries the feeling of jealousy and irritability was every day increasing. Then rose the question as to the possibility of mediation by neutral Powers, and out of that discussion came the suggestion of a Conference. I need not say that the only possible interest we had in the matter was to maintain the peace of Europe. We had no wish to give a triumph to France over Prussia, or to Prussia over France. We only wanted to keep the peace, and it was known to everybody that we had no other interest. If we carried any weight in the negotiations, I ascribe it mainly to the fact that everybody knew we wanted nothing for ourselves. It was obvious, however, that if neither party would give way, the proposal for a Conference and for mediation was entirely useless. I declined, therefore, to go into Conference till an assurance was given that held out to us a reasonable prospect of coming to terms. The French Government had already made a concession; they had disclaimed all desire for the annexation of a territory which they had very recently had every reason to consider as already acquired by them. Obviously the next move must be on the part of Prussia. The next step must be the withdrawal of their garrison; and at length, after much difficulty, they consented to abandon their right of garrison on condition of the neutralization of the territory under an European guarantee. Every Power concerned except England came at once into the arrangement. I am not ashamed to say that though I did not, and though I do not believe that by that step the real liability of England was at all increased, yet the very name and idea of a new guarantee was a thing so utterly distasteful to me—so utterly contrary to all the theories of foreign policy which my Colleagues and I had laid down for ourselves—that for two or three days I hesitated before giving my assent on the part of the British Government to the arrangement. In giving it at last I acted under a feeling of doubt and anxiety such as I never felt upon any other public question. But let the House consider what was the alternative. It is not a matter of argument or probability, it is a matter of absolute certainty, that if we had stood out

upon that point, and consequently the project of a collective European guarantee had fallen through, the Conference must have been broken off, and a rupture would have ensued. Prussia would have withdrawn the concession she had offered, and at the time at which I am speaking the French and Prussian armies would have been face to face. Let the House recollect what a war of that kind would be. It is true that in the first instance only France and Prussia would have been engaged. But no man of ordinary observation can doubt that before long at least two other Powers—at least Austria and Italy—would have been drawn into the conflict. When 130,000,000 or 140,000,000 of men are engaged in a war of that kind, who will undertake to say what would be the result upon the state of Europe or the world? What might have followed in the East is probably better left to the imagination of the House. One thing at any rate is probable, that both Holland and Belgium might, in the changes of such a conflict, have ceased to exist. Even if England had been able to keep out of it, which of course we should have desired, it might have been difficult, especially if Belgium had been attacked; but even if we had we should have suffered severely in our trade. But we should have suffered also in another way to which I attach some importance. The parties concerned would have said, and would have said with a considerable degree of plausibility, "You are the real authors of this war." They would have said, "Everybody else had agreed, an arrangement was come to, you had only to give an engagement which did not bind you to much, you had only to hold up your hand to stop this war, and you declined to do it." Heaven knows what deep designs and machinations would have been imputed to us, or how it would have been said that our object was, as it always had been, to build up our national prosperity on the ruin of the rest of the world. I only mention this because if anybody thinks seriously of the responsibility which he supposes we have incurred by this engagement, I do not complain of it, I do not at all dispute his right to look at the matter from that point of view; but I want him to look at the other side of the question, to see that the responsibility is not all upon one side, to consider what would have been the amount and nature of the responsibility we should have incurred if we had come to an opposite

decision, if we had refused to come into these terms, and if the consequences which I believe to have been inevitable had followed thereupon. The question may be put. "After all have you succeeded in your object?—have you avoided a war?—have you removed all the difficulties?—was not the Luxemburg question a mere symptom of the disease, not the disease itself? Is not the jealousy and irritation between the two countries such that a new quarrel may break out any day?" These are questions which may fairly be asked, and which I will answer to the best of my power. It is impossible to speak with absolute certainty upon such matters. But speaking to the best of my judgment, I do not believe that there are now, or are likely to be, any causes in operation which should make a war between France and Prussia inevitable. I will go further than that, and say that I do not see that such a war is probable. In a matter of this kind to gain time is to gain a great deal. Everybody can understand that the circumstances of the last twelve months may have created much jealousy and irritation. Every month you gain diminishes that jealousy and that ill-feeling. It gives time for momentary irritation to subside. It makes future differences less a matter of feeling and more a matter of reason. If you look at it as a matter of reason, there are a hundred reasons why France and Prussia should remain at peace, and not one why they should go to war. What has Prussia to gain by war? Certainly not military reputation; she possesses that in a higher degree than at any former period of her history. Not accession of territory. Nobody supposes she desires to take possession of any French provinces. Not German unity. German unity—a great and desirable object—is for all practical purposes secured already. What Prussia really wants is time and repose to enable her to secure her acquisitions, to consolidate the territory which she has obtained, to assimilate the laws and institutions of her newly-gained provinces, and to fuse the whole of that newly-acquired country into one homogeneous whole. All that war could do for Prussia would be to give an opportunity for plots and conspiracies of a reactionary character, for attempts at insurrections, for attempts, although I believe they would be unsuccessful, to undo what has been done. On the other hand, what has France to gain by war? Suppose that war unsuccessful, it humiliates a sensitive

nation, and it endangers a dynasty. If successful, what is the result? At the very best it achieves at an enormous cost a barren conquest. Nobody supposes that the French Government desires a large or important acquisition of German territory. The Emperor of the French has had something to do with Venetia, and has not the slightest desire, we may feel sure of that, to acquire a Venetia of his own. As to Luxemburg, or some petty "rectification of frontier," as the phrase is, that is not wanted as a matter of security. France, with 600,000 soldiers available, and many more whom it is in her power to raise if required, stands in need of no additional defences. As to the value of any such strip of territory, I need not say that three months' expenditure of a European war would buy the fee simple of it. But setting aside the speculative part of the question, I think I can say as a fact, from all that I hear and know, that the relations of France and Prussia, which at the time of the Conference were certainly not satisfactory, have since that date been steadily improving. That both the French Government and the French people earnestly desire peace I not only believe, but know. I believe that the same feeling exists generally in Prussia, and, indeed, I should say that from the first there has been much less of mutual animosity than there has been of mutual suspicion and distrust. I do not believe that either Government or country wished to attack the other; but there was on both sides a feeling that they might be attacked, and that kind of mistrust and jealousy which naturally arises under those circumstances. All that is passing tends to the removal of that feeling of mistrust. Though it is, of course, impossible to predict the future, I am of opinion that peace will not now be interrupted. I now come to the other part of the question—how far the liability of England is altered by these new arrangements. Before this question arose there were many persons in this country who were wholly unaware that England had entered into any guarantee relating to Luxemburg, and who therefore believed that we were perfectly free. We were not, however, placed in that fortunate position. I must repeat, notwithstanding the denial of the hon. Member for Middlesex, that we had in 1839 given a guarantee of the possession of Luxemburg by Holland in terms plain, clear, and unconditional. Article 1 of that treaty between the five

Powers, on the one hand, and Belgium, on the other, declares the annexed articles of the same validity as if textually inserted in this Act, and thus placed under the guarantee of the Powers. The same words were inserted in the treaty between Holland and Belgium. The second of those annexed articles, after defining the limits of the territory of Luxemburg, declares in express terms that this territory shall continue to belong to the Grand Duke, and that it is placed under the guarantee of the Great Powers. The first article had equally defined the territory which was to belong to Belgium. England was one of the signatories of that treaty, and thereby guaranteed the possession of Luxemburg to the Grand Duke. That guarantee has always been recognised; it was appealed to in the beginning of these negotiations, and though no action was taken upon it, I do not understand that any attempt was made to dispute its validity. The hon. Member says that though I mentioned this guarantee repeatedly, I was not supported in referring to it by the authority of any of even our own Ministers abroad. I never asked their opinion on the subject, I had no occasion to do so. The hon. Gentleman also quoted an opinion of Lord Palmerston. Not knowing the context, I cannot agree upon the words cited; but as far as I could follow them, they seemed to have nothing to do with the point in dispute. All that we have done in the treaty of last month was to extend the guarantee which had been given before to the neutralization as well as to the possession of the territory in question. So far, no doubt, there is an increase in the responsibility incurred. On the other hand, the House must bear in mind that whereas the place, the possession of which was guaranteed, was formerly a strong fortress in the military occupation of a foreign Power, it is now a place deprived of fortifications, without a garrison, and therefore destitute of nearly all its value as an object of rivalry in the event of war. Suppose, for argument's sake, that Prussia had at any time desired to possess herself of this territory, who was to prevent her? She actually held it; yet we had guaranteed its possession to the Grand Duke. Further, the guarantee now given is collective only. That is an important distinction. It means this, that in the event of a violation of neutrality all the Powers who have signed the treaty may be called upon for their collective

action. No one of those Powers is liable to be called upon to act singly or separately. It is a case, so to speak, of "limited liability." We are bound in honour—you cannot place a legal construction upon it—to see in concert with others that these arrangements are maintained. But if the other Powers join with us, it is certain that there will be no violation of neutrality. If they, situated exactly as we are, decline to join, we are not bound single-handed to make up the deficiencies of the rest. Such a guarantee has obviously rather the character of a moral sanction to the arrangements which it defends than that of a contingent liability to make war. It would, no doubt, give a right to make war, but it would not necessarily impose the obligation. That would be a question to consider when the occasion arose. As the hon. Member put the question, the House would be the judge as to whether such an extreme course was desirable or not. It is not for me to say—though I think I could pretty well answer the question—what in such a case the House would do. Take an instance from what we have done already. We have guaranteed Switzerland; but if all Europe combined against Switzerland, although we might regret it, we should hardly feel bound to go to war with all the world for the protection of Switzerland. We were parties to the arrangements which were made about Poland; they were broken, but we did not go to war. I only name those cases as showing that it does not necessarily and inevitably follow that you are bound to maintain the guarantee under all circumstances by force of arms. If anybody says, "That is one reason the more why guarantees should not be lightly given," my answer is, that the guarantee was not lightly given; the necessity was urgent—the advantage, not only to Europe, but to England, was great. I hold, and have endeavoured to show, that the balance of advantage was decidedly in favour of the course taken. If you were fairly to argue any question of foreign or domestic policy, I do not know whether you could say more than that.

Mr. GOSCHEN said, that nothing could be more manly, frank, and, in some respects, more satisfactory than the speech of the noble Lord. There was one point upon which there could be no difference of opinion, and that was that the course adopted by the noble Lord had saved Europe from war. There was also a most

serious lesson to be learnt from what had taken place. That was that by the intervention of England in foreign affairs the greatest evils might on some occasions be avoided—evils not only to the nations engaged in war but to this country itself. However much they on that (the Opposition) side of the House might say that we were bound to abstain from interfering, situated as England was it was almost impossible for her to abstain from intervention altogether. Our commerce was so cosmopolitan, it had spread its roots so far beyond our own soil, that it was impossible to lay down the doctrine that under all circumstances we must hold aloof. It might well be the case that the certain evils which must result to England from a Continental war would be greater than the contingent evils which a guarantee might involve. The noble Lord had not come down to explain away the force of the treaty or guarantee, but had with great frankness admitted that he had hesitated for two or three days before agreeing to it. In entering into the guarantee England paid a certain price to prevent a European war, but that had been done in the interest not of Europe only but of humanity. The reference to Poland was perhaps unfortunate, because the course adopted towards that country had not conduced to our national honour. With regard to the recent treaty, while preventing a European war we had paid a price for attaining that object. In the solemn renewal of the guarantee of 1839—which had been so entirely forgotten by English statesmen that even the noble Lord himself said he had been unaware of its existence—we had incurred a more distinct and onerous liability. Had the Grand Duke ceded Luxemburg to France with the consent of the Great Powers that guarantee would have lapsed, and we should have been rid of a disagreeable liability. Instead of so getting rid of the old liability, we had incurred a new one. He hoped that this would not be forgotten, like its predecessor. The importance of this act ought not to be overlooked. He trusted—they all did—that England would never be called upon to pay the price at which she had succeeded in averting a war. The noble Lord had well pointed out that it was a collective guarantee, and that it was highly improbable that we should ever suffer in consequence of being a party to it. While he did not wish to disguise his sense of the importance of the undertaking,

Lord Stanley

he was also willing to admit that the object in view was one of the highest importance, and that it had been fully obtained.

MR. SANDFORD said, that the right hon. Gentleman's speech was rather antagonistic to the policy which Parliament and the country had generally accepted—namely, that of non-intervention except in cases where our honour or interest was at stake. He wished to offer his humble tribute of approbation to his noble Friend for the course he had pursued. He thought it the exact course which an English Minister ought to have adopted. The noble Lord was right in hesitating to extend to Luxemburg the guarantee we had already entered into with reference to Belgium; but he was equally right in ultimately giving that guarantee. Had we not been entangled in obligations of this kind, he would have been perfectly justified in refusing. But, being entangled with the neutrality of Belgium, he was clearly justified in securing the preservation of peace through virtually extending the territory of Belgium by so many square miles. He wished that the Conference had also directed its efforts towards a general disarmament. Prussia was at present the only Power which had armed its entire population. Though this, when its population was only 19,000,000, appeared a simple measure of defence, it presented, now that its population was 23,000,000, and now that it controlled the military forces of 37,000,000, an aspect of defiance. Such a course was not in the long run attended with advantage. It simply compelled other States to follow the example. We already saw France, Russia, and Austria following in the wake. A measure of general disarmament would have been fittingly inaugurated by England, which from its insular position had nothing either to gain or lose by it. Could hundreds of thousands of the youth of Europe have been restored to industrial occupations, thus increasing the prosperity of every country of Europe, the result would have been one worthy of diplomacy and worthy of the character and reputation of his noble Friend.

MR. KINNAIRD said, he thought that the noble Lord had exercised a wise discretion in abstaining from bringing before the Conference a proposal for a general disarmament. The noble Lord had settled a most difficult question, in the opinion of the House and of the whole country, with admirable temper and ability. He would

only have complicated matters if he had introduced—however desirable it might be in itself—a scheme of general disarmament, and had read lectures to other Powers upon the subject. He was glad that the unanimous opinion of Parliament had found expression respecting the management of foreign affairs by the noble Lord—a management which was equally beneficial to the interests of Europe and creditable to the tact and ability of the noble Lord himself.

MR. HENRY SEYMOUR said, he desired to bear his testimony to the admirable tact, temper, and judgment shown by the noble Lord in the recent negotiations. He had saved Europe from the most terrible perils, and had given proof that he would be equal to the duties of his important post in any emergency which might arise. Circumstances might arise in which the interference of England would be necessary. The conduct of the noble Lord inspired them with confidence that, in such an event, the interests of the country might be safely committed to his charge. The Eastern question was one that must soon occupy their attention, and they could now entertain the hope that it would be settled without the terrible effusion of blood that, under unfavourable circumstances, must ensue. He agreed with the hon. Gentleman who had expressed the opinion that it would have been most inopportune if the noble Lord had proposed a general disarmament to the Conference. The situation of Prussia was so new that it was hardly possible to form an opinion upon her policy of arming her population; but he believed that the union of Germany was one step towards the pacification of Europe, and that Prussia, satisfied with the position she had achieved, would be willing to listen to councils of prudence. In other quarters of Europe there were indications of progress in the right direction; in one great element in the future peace of the Continent would be the feeling of confidence which prevailed in every quarter of the world in the foreign policy of the noble Lord.

Question put, and agreed to.

SUPPLY considered in Committee.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

DRAINAGE AND IMPROVEMENT OF LANDS

(IRELAND) SUPPLEMENTAL BILL.

On Motion of Mr. HUNT, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, *ordered* to be brought in by Mr. HUNT and Lord NAAS.

Bill *presented*, and read the first time. [Bill 199.]

House adjourned at One o'clock,
till Monday next.

HOUSE OF LORDS,

Monday, June 17, 1867.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Court of Chancery Officers* (154); Tyne Pilotage Act (1865) Amendment* (157); Inclosure (No. 2)* (158); Railway Companies* (159).

Committee — County Courts Acts Amendment (140).

Third Reading—Public Libraries (Scotland) Acts Amendment* (128); Chester Courts* (145), and *passed*.

Royal Assent—Consolidated Fund (£14,000,000) [30 *Vict.* c. 30]; Exchequer Bonds (£1,700,000) [30 *Vict.* c. 31]; Public Works Loans [30 *Vict.* c. 32]; Sale and Purchase of Shares [30 *Vict.* c. 29]; Labouring Classes Dwellings Acts (1866) Amendment [30 *Vict.* c. 28]; British Spirits [30 *Vict.* c. 27]; Pier and Harbour Orders Confirmation [30 *Vict.* c. 33].

RAILWAY BILLS—STANDING ORDERS.

OBSERVATIONS.

LORD STANLEY OF ALDERLEY said, that before the holidays he had called their Lordships' attention to the inconvenience that was likely to result from the variance of the Standing Orders of the two Houses with regard to Railway Bills. The Session was now far advanced; and the House of Commons having announced their determination not to alter their own Standing Orders on the subject, it was obvious that if the present state of things continued much longer the whole of the railway legislation of the Session would be brought to a complete standstill. Under the circumstances, he thought it would be highly desirable to accede to a proposition which he had made on a former occasion, that the matter should be submitted to a Joint Committee of both Houses. It was of great importance that there should be no delay, and he should be glad to know if his noble Friend the Chairman of Com-

mittees would feel disposed to introduce a proposal to carry out that object.

LORD REDESDALE agreed with the noble Lord that it was necessary to make some arrangement to prevent the inconvenience that would otherwise result. He was quite willing to follow the suggestion of the noble Lord, and he would on an early day move that a Select Committee should be appointed by their Lordships to inquire into the subject, and also that a Message be sent to the other House requesting them to nominate Members of that House to serve on the Joint Committee.

THE MARQUESS OF CLANRICARDE thought it would be a more constitutional course to settle the matter by an Act of Parliament. It might, indeed, be necessary to make some temporary arrangement this Session; but he hoped that next Session there would be a complete revision of all the Standing Orders relating to railways, and that an Act of Parliament would be brought in to regulate many matters now regulated by means of Standing Orders.

PUBLIC BUSINESS IN THIS HOUSE.

OBSERVATIONS.

THE EARL OF SHAFTESBURY: With a view of facilitating the conduct of Public Business in this House, I wish to make a suggestion which has been long in my own mind, and which I have privately mentioned to many noble Lords at various times. I think it extremely desirable that we should make some arrangement under which this House may meet for the despatch of public business at four o'clock, instead of five. If I receive sufficient encouragement I shall take the liberty of moving the appointment of a Committee to inquire what arrangements may be made to carry out this object. I think there are many strong arguments in favour of this alteration, and none of these arguments are, in my opinion, stronger than that it would facilitate the coming forward of young men to take part in the business of this House. They would have opportunities of addressing your Lordships of which they are at present deprived; and I believe that in other respects such an alteration would do much to add to the efficiency of your Lordships' House. I therefore give notice that I shall on Friday next move that a Committee be appointed to consider whether arrangements

cannot be made under which this House may meet for the despatch of business at four o'clock, or, at the latest, at half past four o'clock.

COUNTY COURTS ACT AMENDMENT
BILL—(No. 140.)

(*The Lord Chancellor.*)

COMMITTEE.

House in Committee (on Re-commitment)
(according to Order).

Clauses 1 to 3 *agreed to*.

Clause 4 (No Action for Beer, &c., consumed on the Premises to be brought).

THE EARL OF ROMNEY said, that the object of this clause was, that no trader should be allowed to recover payment for beer or liquors of that sort consumed on the premises. He objected to the clause on the ground that it would open the door to frauds being committed by persons who might deliberately incur debts of this description with the express purpose of evading them, and it would be most unjust to the trader that he should be left without a remedy. The object of the clause was, he presumed, to protect persons against their inclination to drink, but he thought it was a mistake to attempt to do that by treating men as children. We did not protect young men in the army, in the navy, and in the colleges against themselves in that way. He moved the omission of the clause.

THE LORD CHANCELLOR observed, that his noble Friend who moved the Amendment seemed to think that the principle of this clause was a new one; but as long ago as the reign of George II. an Act was passed to prevent persons from recovering for the sale of wine and spirits in cases where the quantity purchased did not come to 20s., and the present clause only extended this wholesome provision to the consumption of malt, liquor, cider, and the like drinks. It was the duty of the landlord to exercise due caution in trusting none but persons of whose respectability he was assured, while a great check would be put upon the habits of excessive tippling by making it necessary that the expense should be paid at once, instead of being deferred. There was no greater temptation to the poor man who might be inclined to drink than to feel that the day of reckoning was put off. The trader would always be safe with respectable customers. The persons who would get

into his debt for drink consumed on the premises were just those against whom it would be well not to give him a right of recovery.

LORD CRANWORTH said, that the object of the clause was simply to extend the Tippling Act to beer and cider.

Amendment *negatived*.

Clause amended, and *agreed to*.

Clauses 5 to 9 *agreed to*.

Clause 10 (Court may try Cases where Title comes in question, where neither Value nor Rent of Property exceeds £20).

LORD CAIRNS said, he did not object to the County Courts having jurisdiction in cases of ejectment where the amount did not exceed £20; but it often happened that such action would determine the right to other large properties, the validity of a will, and questions of legitimacy and marriage; and he would therefore suggest the addition of the following Proviso:—

“Provided that the Defendant in any such Action of Ejectment, or his Landlord, may, within One Month from the Day of Service of the Writ, apply to a Judge at Chambers for a Summons to the Plaintiff to show Cause why such Action should not be tried in One of the Superior Courts on the Ground that the Title to Lands or Hereditaments of greater annual Value than Twenty Pounds would be affected by the Decision in such Action; and on the Hearing of such Summons the Judge, if satisfied that the Title to other Lands would be so affected, may order such Action to be tried in One of the Superior Courts, and thereupon all Proceedings in the County Court in such Action shall be discontinued.”

THE LORD CHANCELLOR expressed his concurrence in the suggestion.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 11 to 18, inclusive, *agreed to*.

Clause 19 (Trustees may pay Trust Monies or transfer Stock and Securities into the Court of Chancery, 10 & 11 *Vict.* c. 96.)

LORD CAIRNS said, that the clause proposed to give to the Registrars of County Courts the custody of trust monies of small amounts, over which the Courts would in future exercise administrative powers. But he would suggest to his noble and learned Friend whether this was desirable. He desired to speak with the greatest respect of these officers; but when appointed it was not contemplated that they were to have the custody of large sums of money; and, inasmuch as these monies, though restricted in individual

cases to £500, would be large in the aggregate, it might be that the securities required of the registrars might be inadequate. He thought the better course would be that the money should be paid in to the credit of the Accountant General of the Court of Chancery, but that the power of making orders for its distribution should remain as proposed with the Judges of the County Courts. The investment of the money must always take place in London, so that practically no difficulties would arise.

THE LORD CHANCELLOR agreed with his noble and learned Friend as to the propriety of the quarter to which he proposed to intrust the funds. The difficulty arose originally, he believed, from a feeling on the part of the Accountant General that he was properly responsible only for monies belonging to the Court of Chancery; and some machinery would be necessary to overcome this formal difficulty.

Clause agreed to.

Clauses 20 to 23 agreed to.

Clause 24 (Repeal of so much of 3 & 4 *Vict.* c. 110 as enables Loans to be recovered before Justices.)

LORD CAIRNS said, the subject involved in it, that of imprisonment for debt, must ere long come under the serious consideration of their Lordships. At present, imprisonment for debt, under process from the Superior Courts, was almost abolished. Acts of Parliament, curtailing the power of imprisonment for debt, and providing for the speedy release of debtors, had so operated that the power of imprisonment was practically gone; and, if he mistook not, before long their Lordships would be asked to apply the finishing stroke, and abolish imprisonment for debt altogether. But in the meanwhile there remained in very active operation a system for imprisonment for debt in the County Courts for debts under £50 recovered therein, and for debts under £20 recovered in Superior Courts. With regard to this class of debts, it was said that the parties who contracted them had generally speaking no property, that they earned wages, and that the only means of recovering debts from them was the power of imprisonment possessed by the County Courts. To render the power more palatable to the public, he supposed, it was euphoniously called a committal for contempt of court; but the only contempt committed was the non-payment of the money, and therefore, however disguised,

Lord Cairns

it was simply a power of imprisonment for debt. But the absurdity of the power was this—that the only property of the persons imprisoned consisted of the wages which they earned, and in order to encourage them to earn they were shut up in prison, and their creditors, themselves, their wives, and families deprived of the only money which they could possibly acquire. He trusted their Lordships would consider this question either on a future stage of the present Bill, or on the question of altering the law of bankruptcy. It had always seemed to him to be a blot in the English system that persons contracting large debts should be free from imprisonment, or free to a certain extent, while imprisonment should be continued in the case of those whose only means of payment, as well as of supporting their families, depended entirely on their not being imprisoned.

THE LORD CHANCELLOR thought it would be inconvenient to continue the discussion on this occasion. When the subject was previously discussed by their Lordships on the occasion of a Bill introduced by Lord Westbury, circulars were sent to the County Court Judges for their opinions as to the expediency of abolishing the power of imprisonment; and only two of them were in favour of the abolition. The subject required full consideration. He understood that the Judges awarded imprisonment only where the defendants would not pay although they had the power. Take away the power of imprisonment, they said, and we might as well shut up the County Courts altogether.

LORD CRANWORTH pointed out that the order to imprison recited that the punishment was inflicted only because the debtor had means to pay and would not.

LORD CAIRNS said, he was glad his noble and learned Friend had mentioned this because it illustrated still further the absurdity of the practice. These recitals were not warranted by the facts. The only means a man had apart from his labour must be his property, and since the law provided ample means for getting at a debtor's property, the recital of a County Court order for imprisonment could only relate to the debtor's labour; and as the order prevented the utilization of this labour, the law defeated its end. He knew that the County Court Judges had replied almost unanimously against the abolition of their power of imprisonment; but as for the argument that County Courts might be shut up if the power were abolished, he

said that if it meant that County Courts would be virtually closed to the prosecutors of actions for debt, the country would gain; no cause of action would arise, because credit would not be given, and ready money payments would be the order of the day, to the advantage of the sellers, and buyers as well.

THE LORD CHANCELLOR said, that they had drifted into a discussion of a great question. He objected to depriving a man of the privilege of getting credit, and thought that it was better to punish a man by depriving him of his liberty, even at the sacrifice of his labour, than that his property, which would, of course, consist only of his furniture, should be seized, to the great oppression of a debtor's wife and children.

Clause agreed to.

Clauses 25 to 27 agreed to.

LORD CRANWORTH and the LORD CHANCELLOR moved the addition of several new clauses, which were *agreed to*, and *added* to the Bill.

The Report of the Amendments to be received on *Friday* next; and Bill to be *printed* as amended. (No. 156.)

COURT OF CHANCERY OFFICERS BILL [H.L.]

A Bill to facilitate the Transaction of Business in the Chambers of the Judges of the High Court of Chancery and in the Offices of the Registrars and Accountant General of the said Court—Was *presented* by The LORD CHANCELLOR; read 1^o. (No. 154).

House adjourned at Six o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS.

Monday, June 17, 1867.

MINUTES.]—SELECT COMMITTEE—On Sir John Port's Charity *nominated*.

PUBLIC BILLS.—*Second Reading*—Local Government Supplemental (No. 4)* [191]; Drainage and Improvement of Lands (Ireland) Supplemental* [199].

Committee—Representation of the People [79] [R.P.]; Vaccination* (*re-comm.*) [175]; Local Government Supplemental (No. 3)* [187]; Pier and Harbour Order Confirmation (No. 3)* [192].

Report—Vaccination* (*re-comm.*) [175]; Local Government Supplemental (No. 3)* [187]; Pier and Harbour Order Confirmation (No. 3)* [192].

Considered as amended—Bridges (Ireland)* [140]; Lis Pendens* [153].
Third Reading—Railways (Scotland)* [122], and *passed*.

NAVY—NAVAL OFFICERS' LEAVE.

QUESTION.

MR. HANBURY-TRACY said, he would beg to ask the First Lord of the Admiralty, Whether it is the intention of the Admiralty to make any alteration in the amount of leave granted to Naval Officers, so that an equivalent to the leave of one month per annum on full pay, at present only enjoyed by Officers on the Home Station, may be granted to those returning from Foreign Service?

MR. CORRY said, in reply, that arrangements had been made which would give to certain classes of officers on their return from foreign service the same advantages of leave as were now enjoyed by continuous service men. He could not state all the details within the limits of an answer to a Question, but a circular would shortly be issued with full particulars.

FALSE WEIGHTS AND MEASURES.

QUESTION.

MR. J. GOLDSMID said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce a measure for the more effectual discovery and punishment of persons using false weights and measures?

MR. GATHORNE HARDY, in reply, said, the Question was a very important one; but a Commission had been appointed to inquire into the state of the standards, which in many parts of Great Britain were in an unsatisfactory state, and advise as to their better regulation by the Board of Trade. Where the standards were in that unsatisfactory state convictions could not be obtained, and until the Commissioners had made their Report it would not be advisable to introduce a Bill on the subject.

MR. CRAWFORD said, he would beg to ask whether the latter part of the answer of the right hon. Gentleman described the state of the standards in the metropolis?

MR. GATHORNE HARDY said, he could not say.

IRELAND—TYRONE MAGISTRATES.

QUESTION.

COLONEL STUART KNOX said, he wished to ask the Chief Secretary for Ireland, Whether he will lay upon the Table of the House the following documents:—“Tyrone Magistrates.” 1. Copy of Judge Keogh’s Report to the Lord Chancellor of Ireland; 2. Letter of the Lord Chancellor’s Secretary to the four Magistrates; 3. The Replies of the Magistrates; 4. Copy of the Commission issued by the Lord Lieutenant of Ireland to Messrs. Shaw and Kelly; 5. Copy of the Evidence and other proceedings before the said Commissioners, as reported by Edward S. Trever, Esq., Secretary to the Commission; 6. Copy of the Commissioners’ Report; and also whether, after the public inquiry which has proved the uprightness of the Magistrates, the noble Lord has not thought it right to give Judge Keogh the opportunity of apologising or withdrawing his charges against the integrity of the Magistrates?

LORD NAAS said, in reply, that the Papers would, he hoped, be on the table of the House at the end of the week or the beginning of the next week, and from a perusal of those Papers it would be seen that everything which the Government could do had been done. Any ulterior proceedings must remain to be considered after the Papers were on the table.

ARMY—DISTINGUISHED SERVICE PROMOTIONS.—QUESTION.

SIR CHARLES RUSSELL said, he would beg to ask the Secretary of State for War, Whether Majors promoted for distinguished service will be allowed brevet rank as Lieutenant Colonels after eight years’ service; as in the case of Lieutenant Colonels, who, under the existing warrant, are promoted to the rank of full Colonel after eight years’ service?

SIR JOHN PAKINGTON said, in reply, that this was a question regulated by Royal warrant, and he had no power with regard to the promotion of these officers beyond what the terms of the warrant might permit. In 1864 this question was considered by Lord De Grey, who decided to adhere to the existing terms of the warrant; but, from inquiries he had made, he was disposed to think that the subject might fairly be re-considered, and he should accordingly give it his best attention.

REPRESENTATION OF THE PEOPLE (IRELAND) BILL.—QUESTION.

MR. STACPOOLE said, he wished to ask the Chief Secretary for Ireland, When he proposes to introduce the Irish Reform Bill?

THE CHANCELLOR OF THE EXCHEQUER: There is, Sir, no subject which has caused the Government more anxiety than the Reform Bill for Ireland. I can say this for the Government collectively, and I can say it for myself and for my noble Friend the Chief Secretary for Ireland, that we have at all times been anxious to deal with that question in a spirit of the utmost confidence, and we have prepared the details of the measure entirely in that spirit. But it is impossible to conceal from ourselves that the circumstances of the time are exceedingly unpropitious. There is no doubt that owing to a foreign and external agency acting upon sentiments of a morbid character in a portion of the population, there is in Ireland at the present moment a very general feeling of distrust, and—I cannot conceal it from myself—a considerable sense of danger. It is very difficult to deal with questions involving the re-distribution of electoral rights among a people under circumstances of that description, although I am glad to think that whatever discontent or distrust may exist in Ireland, does not arise from the present state of their electoral privileges. Under these circumstances we feel that it is not possible for us to deal with the question of Parliamentary Reform in Ireland in the spirit in which we could have wished to deal with it, and therefore it is the determination of Her Majesty’s Government to postpone until a more favourable opportunity any legislation on this question.

ARMY—THE VOLUNTEERS.

QUESTION.

MR. W. E. FORSTER said, he would beg to ask the Secretary of State for War, Whether, in case of Volunteers “acting for suppressing and quelling riots,” as contemplated by paragraphs 8 and 9 of the Instructions lately issued by the War Department, their Commanding Officers have any legal power or control over them; whether, by paragraph 7, it is contemplated that the rifles or guns, the property of Her Majesty’s Government, issued to Volunteer Corps, should be used in “quell-

ing civil disturbances ;” and, if so, under what regulations ; and, whether Article 98 of the Volunteer Regulations of 1863, by which “ Volunteer Corps are forbidden to assemble under arms for any purpose unconnected with military drill, parade, or rifle practice, except with the approval of the Secretary of State,” has been abrogated ?

SIR JOHN PAKINGTON: Sir, in answering the three Questions which the hon. Gentleman has put to me, I must beg, in the first instance, to remind him that in stating what may have been contemplated as he says in framing these regulations, or what may be my own view of them, anything I may say must be subject to what in future may be decided to be the legal effect of this document. Subject to this, I answer the first Question of the hon. Gentleman by saying that in the case contemplated the officers of any Volunteer Corps would have no legal power. Paragraphs 8 and 9 contemplate cases in which the Volunteers may be called upon to act as special constables ; and in those cases, stating my own view and intentions, I do not believe that their officers would have any control over Volunteers so acting. In answer to the second Question, I would remind the hon. Gentleman that paragraph 7 is contingent upon paragraph 6, which contemplates a state of things altogether exceptional and extreme, and therefore I feel great difficulty in saying whether Volunteers so circumstanced could use Government arms or not. I presume they would take any arms within their reach, and the probability is that they would use the Government arms. But as to what regulations they would act under in that case, my answer is, under no regulations whatever, because paragraphs 7 and 6 contemplate cases of an exceptional and extreme nature, to which no regulations apply. With regard to the last Question, whether or not Article 98 of the Volunteer Regulations of 1863 has been abrogated, my answer is, Article 98 has not been abrogated ; and if, as I presume, the hon. Gentleman means to imply by that Question that certain of the new regulations would conflict with Article 98 of the old regulations, my answer is that they could only come into operation under circumstances so exceptional as to override that Article.

MR. W. E. FORSTER said, that the answer of the right hon. Gentleman would probably not prevent the necessity of debating the question, and he would ask,

therefore, at what hour the Report of the Volunteer Vote would be taken that night, or whether it would be postponed ?

SIR JOHN PAKINGTON said, that if the hon. Gentleman wished to raise a debate on the postponed Vote, he would either say that the Vote should not be taken after ten o'clock, or, if it were more convenient to the hon. Gentleman, he would postpone the Vote altogether.

METROPOLIS—REGULATION OF THEATRES.—QUESTION.

LORD ERNEST BRUCE said, he would beg to ask the Secretary of State for the Home Department. When the measure promised early this Session by his predecessor in office for the better regulation of Theatres and other places of public entertainment in the Metropolis will be laid before this House ?

MR. GATHORNE HARDY said, he was not aware that any measure was actually promised or brought forward. At all events, he himself had never seen any measure on the subject, and was not therefore in a position to say that he should bring one in.

ARMY—INCREASED PAY.—QUESTION.

MR. PUGH said, he would beg to ask the Secretary of State for War, From what time the increase in the pay of the Army is intended to take effect ?

SIR JOHN PAKINGTON: The increased pay of the army will take effect from the commencement of the financial year.

COLONEL W. STUART said, he would beg to ask when the men would receive the money ?

SIR JOHN PAKINGTON replied, that he could not answer that question, but he did not anticipate that there would be any disposition unfairly to withhold their pay.

ARMY—SALE OF COMMISSIONS. QUESTION.

MR. HAYTER said, he would beg to ask the Secretary of State for War, Whether his attention has been called to the *Gazette* of the 11th instant, in which a Captain of the 97th Regiment is stated to have retired from the Service by the sale of his Commission, the said Officer having actually died, according to the obituary in *The Times* newspaper of the 1st of this month ; and should such notice have

escaped the attention of the Secretary at War, if he will take steps to prevent in future an arrangement prejudicial to the interest of non-purchasing officers, and tending to destroy confidence in the medical certificates required from Officers upon their retirement from the Service by sale of their Commissions?

SIR JOHN PAKINGTON: My answer, Sir, is that although the *Gazette* did not announce the retirement of the officer until the 11th of June, he applied to be allowed to sell his commission on the 24th of April. From the 24th of April until the 28th or 29th of May was taken up with the usual arrangements with regard to price, and the delay up to the 11th of June arose from circumstances which are unavoidable in those cases where the Royal pleasure has to be taken, and other forms have to be gone through. I have reason to believe that the statement of the hon. Member that the officer died on the 1st of June is correct; but no official notification of that fact had been made either to the War Office or the Horse Guards. I have only to add that, in my opinion, in these purchase cases there should be the most scrupulous adherence to fair play; and therefore I propose that for the future a duly authenticated medical certificate shall accompany each case.

BOUNDARY COMMISSIONERS.

QUESTION.

MR. POWELL said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is intended to widen the powers proposed to be given to the Boundary Commissioners by the 31st clause of the Bill for Improving the Representation of the People so as to enable them to report whether any contraction or enlarging of the boundaries of Boroughs constituted by the said Bill is necessary, and to propose such new boundaries, if any, as would effect the object of the Clause as now drawn; and, whether his attention has been directed to the sparsely populated districts proposed to be included in certain Boroughs, for instance, Keighley and Bingley, which have not within each two persons to the acre, whereas the Census of 1861 gives the main density of town populations as nearly six persons per acre?

THE CHANCELLOR OF THE EXCHEQUER: Those schedules of the Bill for the Improvement of the Representation of the People, as placed upon the table, are, as I mentioned before, of a strictly tem-

porary character, that is to say, they are intended to provide for contingencies in themselves most improbable and almost impossible. One would be, for example, if the Boundary Commissioners were not to report before the dissolution of Parliament. Of course, the chances are a hundred to one against such a contingency. The powers of the Boundary Commissioners, according to the clause which I shall put upon the table, are to be of such a character that they may do anything, but one thing—and that is to diminish the existing boundaries of boroughs, because if that were admitted it would involve the principle of disfranchisement. With regard to anything else the Boundary Commissioners would have the power of changing all the divisions of boroughs or altering the boundaries of the new boroughs in the case to which my hon. Friend has just referred. With respect to Keighley and Bingley, I am not acquainted with all the circumstances of the case; but I am confident that the Boundary Commissioners will settle the matter in a very satisfactory manner. I have received a memorial from an hon. Gentleman opposite who represents the West Riding with regard to Keighley, Bingley, and some other places; but I have no doubt that the Boundary Commissioners will consider the circumstances of the different places fully, and will award boundaries such as will meet all the requirements of each case. I hope, therefore, that the House will understand that with the exception of not diminishing the boundaries of boroughs, the powers of the Commissioners will be unrestricted.

SIR GEORGE GREY said, he would beg to ask, whether the answer now given applies to the boundaries of counties as well as boroughs. Is the proposed division of the counties in the schedules also provisional?

THE CHANCELLOR OF THE EXCHEQUER: If the House will permit me, I will reply to the Question of the right hon. Baronet, although I would have preferred to intimate the views of the Government at a later period. It was not intended, when the Bill was first brought forward, to divide the counties in the manner which now appears in the schedules. It was my intention to have laid on the table to-day the clause which would have defined the powers of the Boundary Commissioners, and also to have offered to the Committee the names of the gentlemen whom we proposed that the House should insert in

the clause as Boundary Commissioners. But it seemed to Her Majesty's Government that such a proceeding would be premature, because we perceive from the Order of Business this evening that the Committee will have to decide upon the Motion of the hon. Member for Wick (Mr. Laing), which takes precedence of the Motion of Her Majesty's Government. Now, if the Motion of the hon. Member for Wick is carried it will be considered by Her Majesty's Government as completely conclusive as to the opinion of the House on the merits of their general scheme. Therefore it would be perfectly unnecessary, if that Motion were carried, to lay on the table the clause defining the powers of the Boundary Commissioners, or to submit the names of the individuals whom we wish to recommend to the confidence of the House. If the Motion of the hon. Member for Wick be carried, we shall have to consider our position generally and as regards the Bill altogether.

MR. DARBY GRIFFITH said, he would beg to inquire, whether it is intended to appoint any Member of that House as a Commissioner?

THE CHANCELLOR OF THE EXCHEQUER: Lord Eversley has accepted the office of President of the Boundary Commission, and will represent the Commission in the other House. I considered with my Colleagues that it was desirable that the Commission should be represented in this House also by at least one Member, so that if the decisions of the Commissioners were controverted in either House of Parliament they would have an opportunity of stating their own views and explaining their conduct and conclusions, instead of trusting to the Government for defending what they had done. Under these circumstances, I applied to a right hon. Member of this House to undertake the duty, which I know he is perfectly competent to fulfil. That right hon. Gentleman is a Member of the party opposite. I will defer giving a definite answer to the Question of my hon. Friend at present, until it be my duty to inform the House of the names of the Commissioners. I will say, however, that I think it desirable that the Commission should be represented in both Houses of Parliament.

PARLIAMENTARY REFORM—

REPRESENTATION OF THE PEOPLE

BILL—[BILL 79.]

(Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Secretary Lord Stanley.)

COMMITTEE. [PROGRESS JUNE 13.]

Bill considered in Committee.

(In the Committee.)

Clause 10 (New Boroughs to return One Member each).

MR. LAING said, he rose for the purpose of moving an Amendment in the clause, with the view of assigning a third Member to boroughs having a population of 150,000 or upwards. On a former occasion he had an opportunity of explaining fully his views on the subject. What he proposed was to assert the principle that a larger representation should be given to those towns and cities which, from their wealth and population, were quite out of the ordinary run of boroughs returning Members to Parliament. There were in England six such places—namely, Birmingham, Bristol, Leeds, Liverpool, Manchester, and Sheffield. Edinburgh, Glasgow, and Dublin were in the same category, but to Glasgow the Scotch Reform Bill had already proposed to give a third Member. If his Amendment were carried the principle would obviously have to be extended to Edinburgh and Dublin. The question, therefore, was whether eight seats should be given to the eight largest cities of the United Kingdom. His Amendment dealt with the six cities situate in England. It did not raise the question of the cumulative vote, which was the subject of another Amendment of which his hon. Friend (Mr. T. Hughes) had given notice. Though his own opinion was in favour of that mode of voting in constituencies having three Members, he could quite understand that many Members might prefer the plan suggested by the late Mr. Cobden of dividing large constituencies. The adoption of his Amendment would leave it an open question whether either of those plans should be accepted at a subsequent stage. He wished to be explicit as to the way in which he thought these six seats should be obtained. He did not wish, if it could be avoided, to take them from the additional county representation. He thought twenty-five seats were no more than the counties were fairly entitled to in a scheme of re-distribution dealing with fifty or fifty-one seats, in which boroughs

[Committee—Clause 10.]

with an insignificant population remained untouched. Nor did he wish to prejudge the way in which the additional county representation should be applied. Though his personal predilection was in favour of the cumulative vote, it was rather a matter for county Members to consider whether they preferred to take the twenty-five Members in one mode or in another. The way in which he looked forward to the six seats being provided if his Amendment were carried was by grouping the very small boroughs. This, after the decision of the Committee on the Motion of the hon. and learned Member for Portsmouth (Mr. Serjeant Gaselee) negating the principle of total disfranchisement, was the only alternative. He would state briefly the principle on which his proposal was based. The Chancellor of the Exchequer objected to his plan on a former occasion as being based on the redress of anomalies, and argued that as in an old-established country like this we could not possibly get rid of all anomalies we might as well retain the whole. Now, had the right hon. Gentleman said that his principle was that of redressing glaring anomalies, he should have been inclined to accept the definition. In an old-established country like ours no sensible man would think of introducing an absolutely arithmetical equality of representation. But when, once in thirty or forty years, we were re-opening a great Constitutional question and revising our system of representation, we ought to redress those more glaring anomalies with regard to the distribution of seats which offend the common sense of the country. The most striking anomalies in our present system were the over-representation of extremely small places, and the under-representation of extremely large places. He had heard it said that the Reform Bill of 1832 might have been prevented or delayed had the seats for East Retford been transferred to Manchester. That such a thing should be said—and there was probably some truth in it—showed how strongly the popular instinct demanded that the great centres of population, wealth, and intelligence should have a proportionate share in the representation. The six cities to which he proposed to give additional Members contained an aggregate population, by the Census of 1861, of 1,681,000. The Income Tax Returns showed the aggregate income of the inhabitants to exceed £35,000,000 a year. Comparing that amount of population and

of taxable wealth with the six smallest boroughs retaining a single Member each, it must be admitted that there was not merely an anomaly, but a glaring anomaly. The six smallest boroughs were Arundel, Ashburton, Lyme Regis, Honiton, Thetford, and Dartmouth; they contained an aggregate population of 20,728 persons. On analyzing the nature of that population, we found many of them were what the Chancellor of the Exchequer, in the debate on the disfranchisement of the corrupt boroughs, happily characterized as “mere impostures.” Many places which made a very respectable show in the Census Returns were for all purposes of representation mere impostures. Cricklade, which appeared to have 36,000 inhabitants, had a town population of 1,820. Woodstock and Midhurst were in much the same position. Their actual town population was under 2,000. These constituencies were really rural districts, small sections of counties. We were leaving places of this kind with no urban population worth mentioning—scarcely more than good sized villages—with two Members, and giving important centres of population no increase of representation. It could not be maintained that anything in either the principle or the practice of our Constitution restricted us to the magical number two as sufficient in all cases to represent great centres of population. We found the metropolis had already an aggregate representation of sixteen Members, to which it was proposed to add four. Neither could such an allegation be maintained with regard to commercial interests, for the City of London had long returned four Members, on account of its great wealth and commercial eminence. That argument applied in a comparative degree to Liverpool, Manchester, Glasgow, and Birmingham. How could it be held that such cities should remain with only two Members, when London had four, and when small boroughs with just above 10,000 inhabitants or rural districts having no town population, except some village with 1,200 or 1,500 people, had two? The argument was conclusive. How such an argument could be contravened by a Government that proposed to do the very same thing in the case of Glasgow he could not imagine. It was impossible for them to object on principle to give a third Member to Manchester, Birmingham, and Leeds, when they themselves proposed to give a third Member to Glasgow. Why did the Government select certain counties

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for additional Members, except that they were the largest, most populous, most wealthy, and most industrious seats of population? He did not grudge South Lancashire its six Members; but on what principle was it to have an increase in its Members, and Lancashire and Yorkshire to receive a large increase in the number of their representatives, while Manchester, Liverpool, Leeds, and other large centres were to have no increase at all? The opposition to his Motion seemed to be quite indefensible in principle. It must therefore be based upon policy and expediency. If this were a question of expediency, could anything be more evident than that when they attempted to settle this question they should make a satisfactory settlement, and one likely to last for a long series of years? He would ask whether, after all the sacrifices made by that House, and especially by hon. Members opposite, it was worth while for the sake of six seats more or less to leave a glaring blot on the settlement of the Reform question, one which would, no doubt, be the signal for renewed agitation on the meeting of the new Parliament. He hoped the House would discuss this question fairly, undeterred by the threats of those tremendous consequences which had been thrown out. The House was invited at the beginning of the Session to enter into partnership, as it were, with the Government, to throw aside party considerations. It was assured that upon all questions not vital the Government would be prepared to abide by the opinion and wishes of the House. That invitation had been fairly responded to by the House. Party spirit had, for the most part, been laid aside in the course of their debates. It would be a great pity, now they were within sight of port, if upon a question of six seats these feelings of party spirit were revived; if the jealousies between town and country were re-opened, which they had all hoped had been settled and got rid of. That, however, would be the case if the House refused to extend an additional share of representation to the large cities. Was it right, when they were taking forty-five seats from the borough representation, to give twenty-five seats to counties, the united populations of which was not so great as the population of the six large towns to which he now asked the House to give an additional Member? He repeated that he did not grudge the counties that representation, but he also wished that

they should get it in a way which would not raise invidious comparisons, but be based on some intelligible principles of population, wealth, and taxation. He had endeavoured in the scheme he had brought forward to remove those objections by basing the representation of counties upon the same principle as that on which he proposed to give a third Member to boroughs of upwards of 150,000 population. That was a fair and intelligible principle to which no one could object, and which would be accepted as satisfactory. If, however, counties with a less population than 150,000 were to get an increase of representatives by the proposal of the Government—if seven counties containing less than 2,000,000 population were to get an increase of fourteen Members, while seven large cities containing a population of more than 1,500,000 were to get no increase at all, he did not think there was the slightest chance of such an arrangement being accepted as a satisfactory settlement of the question. The arguments in favour of the proposal were so obvious that it would be unnecessary to dilate at any length upon them. He might therefore now leave his Amendment in the hands of the Committee. He might appeal in its favour both to the Liberal and Conservative sides of the House. As regarded the Liberal side there was a tradition of a Liberal majority of between 60 and 70. What had become of that majority it was not very easy to say. Whether, to use the language of his right hon. Friend the Member for South Lancashire (Mr. Gladstone), it had “gone up a tree,” he did not know; but, although it had disappeared for the purpose of settling this question of Reform, when a broad and intelligible principle of Reform was raised he believed the Liberal party would be still found to exist. If it did, he felt certain that very few Liberal Members would object to a proposal that the great cities, the centres of national wealth, industry, and intelligence, should have an additional share in the representation of the country. He would next appeal to the Conservative party whether he had ever been a strong party man, or adverse to the fair claims of the Conservative party and the country interest? He believed they would be making the greatest mistake unless on the present occasion they assented to a settlement of the Reform question likely to abide for a considerable term of years. Looking to the result of the extensive measure of

enfranchisement proposed by the Government and the tendency of society, when these democratic principles were once admitted, to proceed still further in the same direction, he wished hon. Members to look ahead, and agree upon a settlement around which moderate men might rally against future agitation. Looking to the future Parliament, was it wise or expedient to leave this question in a form in which moderate Liberals would feel bound to make common cause with extreme Reformers in the redress of grievances that could not be defended. Was it not better now to take the opportunity of constructing a platform upon which moderate men, without distinction of sect or party, might unite for the next twenty or thirty years to come, upon the principle that a satisfactory settlement was arrived at in 1867, and so prevent the question from being re-opened? He believed that the question whether the present settlement of the Reform question was one that would be accepted by moderate men out of doors hinged upon the decision of the House to-night. Would they stop short at the last moment or meet the moderate claims of six or seven of the largest cities to have an extra representative taken from small and insignificant boroughs?

Amendment proposed,

In page 4, line 30, after the word "the," to insert the words "Cities or Boroughs named in the Third Schedule to this Act annexed, shall return three Members instead of two."—(*Mr. Laing.*)

MR. BAINES said, he fully shared the views expressed by his hon. Friend the Member for Wick. For many years past attempts had been made to alter the distribution of seats in a manner resembling that proposed by his hon. Friend. He trusted they would at length be prepared to abolish the more glaring anomalies of the existing system. His hon. Friend had accurately stated the extraordinary contrast that existed between the small boroughs which the House declined to disfranchise and the six large boroughs to which he proposed to give one additional Member. Hon. Gentlemen opposite must be prepared to hear the figures upon every hustings in the country if the Act were passed with this flagrant wrong unredressed. They had ten boroughs returning ten Members, while their aggregate population was only 39,000, whilst they had six large boroughs returning twelve

Members, with an aggregate population of 1,644,423. For the six large boroughs there was one Member to each 137,000 of the population, whilst the ten small boroughs had one Member to every 3,970 of the population. That showed a disproportion of thirty-four to one between the large and the small boroughs. He put it to the right hon. Gentleman the Chancellor of the Exchequer whether it was possible to maintain a system containing such anomalies. The gross estimated rental of the six large boroughs was £7,617,000, as contrasted with £168,000 in the case of the ten small boroughs. The average in the large boroughs was £1,269,000 for each; in the small boroughs it was £16,000 for each. If the large boroughs had the same proportion of Members as the small they would have thirty-four Members instead of three, as was proposed by his hon. Friend. This state of things was so unjust and inconsistent that it would be impossible to maintain it. If they wished to make a settlement of this long vexed question which would last, it would be wise to concede what the hon. Member for Wick demanded. It had been mentioned that if Lord John Russell's Motion for giving additional Members to Birmingham, Manchester, and Leeds had been carried, the Reform Act might have been staved off for years. No doubt there was much truth in the observation. That showed the desirableness of dealing fairly with those places now. If three Members were given to the boroughs named, there would still only be one Member to every 99,000 of the population. Further, he might observe that in the small boroughs there did not exist that variety of interests, commercial and manufacturing, which was to be found in the large towns. In his own borough (Leeds) there were no fewer than eleven large and perfectly distinct branches of manufacturing industry carried on—namely, the woollen, linen, iron, machinery, leather, felt, paper, glass, earthenware, tobacco, and chymical manufactures, each of them employing hundreds and even thousands of men. It was absolutely impossible for any two Members adequately to represent interests so large and diverse as these. Moreover, they ought to have some regard in that matter to the extended constituencies which that Bill would create. In the large towns the present constituencies were to be increased three or fourfold. His own constituency was now 7,200; and that measure would

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give him one nearly approaching to 30,000. If the Government rejected that Amendment, they ought to provide one or two secretaries at the public expense for the Members of those large boroughs. Unless the proposal of the hon. Member for Wick was adopted, his firm belief was that it would be impossible to look upon the Reform question as settled.

MR. BRIGHT: As it appears the Committee are not going to debate this question longer, I will explain what my constituents wish. I was not in order in attempting to present their petition at the time the Speaker was about to leave the Chair; but I am sure the Committee will now allow me to explain the views of the electors of Birmingham. They wish me to state that in the year 1832 the borough of Birmingham had a population—computed by the Census of 1831—of 143,000 persons; since then the population has increased to more than 345,000 persons. The population has therefore much more than doubled in that time, and the property upon which the local rates are assessed amounts to more than £1,020,000. They therefore consider, I think, very reasonably, that it would be desirable, in re-adjusting in any degree the representation of the people, that the borough of Birmingham should have more Members than it has at present. Considering how much the policy it has advocated through its Members has been adopted by the House, it may not be considered immodest in them to urge the adoption of the proposal which has been submitted to the House. The hon. Member said very little of his proposal—considering the magnitude of the principle involved—on the ground that the case was so strong and obvious that he did not apprehend any person would meet his case by an attempt at argument. The Chancellor of the Exchequer did what I have known a good many other Members in this House do—when argument failed he had recourse to something else. To-night, at the end of his observations, he used hints that would be, I daresay, effectual with some hon. Gentlemen on both sides of the House; but when he considers how simple is this proposal, and how calculated it is to do a great good in the settlement of this question, it is scarcely possible to believe that the right hon. Gentleman will pertinaciously object to the proposal, or, if he does, that he will be supported by a majority of the Committee. The right hon. Gentleman has more interest than

anyone in the acceptance of the proposal, and in making the Bill as broad and satisfactory as possible. He has all the reasons of other Members for wishing to do so, and this additional reason—that he is the author of the Bill, has conducted it as a Minister through the House, and his name will be inseparably connected with it. He should wish—I believe he does wish—that the Bill shall be satisfactory to the great body of the people, at whose solicitation he has entered into the consideration of the question. I add my mite to the argument—which really wants nothing added to it—regarding the borough I represent. I shall be glad if the House will adopt the proposal of the hon. Member for Wick. I wish to refer to a statement which the right hon. Member for South Lancashire made the other night. He said he had seen two gentlemen from Birmingham who were rather disposed to recommend the division of that borough if additional Members were given to it. I merely wish to say that these gentlemen had no authority to state the opinions of anyone but themselves. I rather think that through a desire to enlist the aid of hon. Gentlemen on the other side of the House, they a little too easily accepted the suggestion that it might be desirable to divide the borough of Birmingham. I believe the people of Birmingham would rather have the division with additional Members than not get additional Members; but they would rather continue one considerable community, returning the increased number of Members. If you divide a borough like Birmingham you must have two sets of hustings, and two nominations, which will enormously increase the election expenses of the whole borough. I hope the time will come when the House of Commons will abolish hustings and public nominations as a relic of a barbarous time, wholly unfitted for the common sense or civilization of the present day. But as long as it remains, the dividing of Birmingham, or Liverpool, or Manchester, will cause additional expenditure, and be attended with no real advantage. It is quite a delusion to suppose that you will get from one end of the town of Birmingham a Member of different opinions from the one you will get at the other. The people are generally of the like politics over the whole of the area, and as long as you do not go further than three Members, it is better to leave the borough entire as it is, and not to divide it. My vote will be given most heartily

in favour of the proposal of the hon. Member for Wick.

MR. NEWDEGATE said, he wished to make a few observations upon what had fallen from the hon. Gentleman who had just sat down. There was a difference of opinion in Birmingham upon the question of the division of their borough. Many of the inhabitants held opinions opposed to those now expressed. He did not dispute the authority upon which the hon. Member for Birmingham spoke, as it was probably the authority of the majority of his constituents. But he (Mr. Newdegate) had felt it his duty to go to Birmingham in order properly to ascertain what the opinion there was upon this subject. He was told by many men of intelligence and moderate opinions that they thought it would be an advantage to divide the borough. These gentlemen felt that the constituency would be so largely increased by the new franchise that Birmingham would suffer from the same inconvenience which was pleaded in the case of the Tower Hamlets, and which induced the Government, very wisely, to divide that borough. These Birmingham gentlemen had cited the case of the Tower Hamlets as an analogous one to their own. The hon. Member for Birmingham seemed to differ from the opinions of the late Mr. Cobden on this matter. [MR. BRIGHT: No, no!] Mr. Cobden proposed either to give only one vote to each elector or to divide the constituency. The hon. Member for Birmingham might therefore respect the opinions of the gentlemen who stated their views to the right hon. Member for South Lancashire, though he might differ from them. He (Mr. Newdegate) would support the proposal of the hon. Member for Wick. It approved itself to his mind because he thought there was a difference of opinion in Birmingham upon this matter, and because it would be very unwise on the part of the House to inflict upon any large community what had been recognised as the evils of democracy. He might, perhaps, be thought to have used too severe an expression in employing the words "evils of democracy;" but he would upon this point quote the opinion of Lord Brougham. This opinion would not be suspected of being tinged with any undue Conservatism or Conservative prejudice. It was expressed by the noble Lord in his work on *Political Philosophy*, published in 1846. He said—

"When the predominance of one party in a democracy has once been fairly established, there is

Mr. Bright

no safety for those who differ with it by ever so slight a shade. The majority being overwhelming, all opposition is stifled. No man dares breathe a whisper against the prevailing sentiments, for the popular voice will bear no contradiction. Hence the suppression of wholesome advice, the concealment of useful truths. It becomes dangerous to declare any opinion, however sound, which is unpalatable to the multitude. Truth must no more be told to the tyrant of many heads than to him of one; nay, mere flattery becomes the food generally offered up, and he, who goes before others in the extravagance of his doctrines or the violence of his language, outbids his competitors for public favour."

He (Mr. Newdegate) did not think that democracy was the only influence that was evil, and which operated in an evil direction in a constitutional country. There were other faults equally dangerous, and which equally required to be guarded against. There were undue influences arising from corruption, from wealth, and from fanaticism, which required to be checked, with the view of relieving the large towns from these evils, as well as from the evils of democracy. He should vote that their representation should be increased to three Members; but his vote was prospective, and would be given with the hope that cumulative voting, or some such system as that advocated by Mr. Cobden, would be adopted—namely, to give each elector only one vote, or to divide the constituencies as was to be done in the case of the Tower Hamlets. He wished again to remind the House that there was a very intelligent and influential section of the people of Birmingham who agreed with these views of Mr. Cobden, and who looked forward to the realization of these opinions as the means by which they would be relieved from the apprehension which many of them now felt, that there was a danger of their suffering from the evils of democracy.

MR. BRIGHT: I wish to explain. I do not object to the division of boroughs if you give them a fair share of representation. Before my late lamented friend Mr. Cobden had made his proposal that any person should vote only for one Member, in my Bill of 1859, which hon. Gentlemen opposite have to a large extent adopted, I proposed that these large boroughs—some of the very largest, at all events—should have six Members each. The time will come when you will think that very reasonable. I proposed that they should be divided into three wards or boroughs, and Members elected for each. Therefore, I have no objection to the division of boroughs if you give them Members according to

their population, property, and influence, and divide them accordingly. But I think I speak the sentiments of a large number of the inhabitants of Birmingham when I say that it would not be desirable for the sake of three Members to divide that borough. You will only be increasing the expenses for an end which is not worth it. If, however, you give them six Members, I shall be glad to unite with the Government to divide them.

MR. THOMAS HUGHES said, he rose for the purpose of moving as an addition to the Amendment of the hon. Member for Wick (Mr. Laing), that in the boroughs in question each elector should be entitled to give his three votes to one candidate, or to distribute them among any two or more candidates, in such proportions as he might think fit. He thought the speech of the hon. Member for North Warwickshire (Mr. Newdegate) clearly pointed out the necessity of a decision being pronounced on his proposal for allowing cumulative voting before that of the hon. Member for Wick was agreed to. ["Order!"]

THE CHAIRMAN said, the Amendment of which the hon. Gentleman had given notice was not really in the nature of an Amendment to the Amendment of the hon. Member (Mr. Laing). It was, in fact, a separate and distinct proposal, which would follow in natural order after the proposal of the hon. Member for Wick, in the event of that proposal being adopted by the Committee.

After some discussion on the point of form,

MR. THOMAS HUGHES withdrew his Amendment for the present.

MR. JAMES said, that as a representative of one of the places (Manchester) on which the hon. Member for Wick desired to confer a benefit, he was not, like the hon. Member for Birmingham, in a position to state the desire of his constituents to have an additional Member. The House was about to alter the representation of the country in consequence of considerable agitation which had taken place, and in consequence of the expressed desire of the public for Reform. But he was not aware that any petition had emanated from Manchester intimating a desire to have an additional Member. He was not aware that there was the slightest desire on the part of the inhabitants of Manchester to have such a benefit conferred on them as was now suggested. When it was seen that different places throughout the country

desiring to have a share in the representation of the country sent petitions to the House urging the importance of allowing them to retain their Members, he should naturally have expected that Manchester and other great towns, if they were discontented with the number of the representatives allotted to them, would press on the representatives they now possessed the importance of advocating an increase in the amount of their representation. No such intimation had been given to him. Therefore he felt at liberty to follow the bent of his own views, and to vote against the Amendment of the hon. Member for Wick. He did not agree with many of the arguments used as to the fixity and settlement of a question of this kind. He apprehended that Reform should be progressive. Though one would not wish to have agitation and alterations in the Constitution year after year, yet in the course of a few years—he did not pretend to say how many—it would be desirable to adjust from time to time the number of representatives in conformity with the population, wealth, and intelligence of the different districts.

MR. BAZLEY said, that his hon. Colleague in the representation of Manchester (Mr. James) had placed him in a painful position. His hon. Colleague had said with truth that no petition had emanated from Manchester in support of an additional Member or additional Members for that important place. But he had received remonstrances from Manchester for not having proposed six additional Members for it. He regretted that he had not given notice of moving that two additional Members instead of one additional Member should be given to that place. He was, however, induced to conform to the judicious Motion of the hon. Member for Wick that one additional Member should be given to that important mart. There were five counties, sending ten Members to that House, which did not contain as many electors or inhabitants as Manchester. That was a strong reason why Manchester should have an addition to its representation. The day was coming when with an irresistible voice an increased number of Members would be demanded for all large constituencies. With a degree of moderation which he had hoped would have commended itself to the Chancellor of the Exchequer, it was suggested that one additional Member should be given to the borough of Manchester. He trusted that to that proposal

a favourable consideration would be given, when it was borne in mind that Manchester was a borough carrying on business of great importance, and that its voice, when divided, could only be feebly heard in that House.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member for Wick (Mr. Laing) has asked why should additional Members be given to large counties and not to large towns, and seemed to think that there would be difficulty in answering the question. I think that if the Committee reflect a little it will find no difficulty in the matter. Without building our whole system on population, we must consider population as one of the important elements entering into the case. We must also look to property and intelligence. It is very well known that though the population of the counties exceed the population of the boroughs, the former have only one-half the number of the Members assigned to the latter. A general opinion has been prevalent on both sides of the House that the balance should be redressed. We have before us provisions for the enfranchisement of a considerable number of new boroughs. But if we deduct the amount of their population from the county population, the county population will still exceed by 1,000,000 the whole of the borough population. How can we redress this inequality in the representation except as proposed in the schedules on the table? It is for this reason that it would be reasonable to increase the representation of large counties without increasing the representation of large towns. We must take a broad and a general view. We cannot decide the question by comparing one large town, such as Leeds or Birmingham, with some small borough. I might just as well compare the population of some large county with that of some small county. South Lancashire, when divided, may have in one of its divisions a population of 400,000. It might be described as a flagrant anomaly that it should have only two Members; the same number that some small county, with a population of 30,000 or 40,000, possesses. In dealing with an ancient plan of representation like ours we cannot produce any exactly symmetrical system. If we attempt to do so we shall probably render our representation less useful. It is only by degrees and periodically that we can adapt the representation of the country to its wants. All we can do is to take a general view, and

Mr. Bazley

see if, on the whole, we can adapt the representation to the interests of the country. In respect to the county representation, declarations have been made as if we were doing something monstrous in attempting to give more adequate representation to the 11,000,000 of population in the counties. I am sorry to refer to figures with which the House is familiar, but, as I mentioned last year, after very accurate investigation, it appears that out of the 334 borough seats now existing eighty-four might fairly be considered as indirectly representing various county influences. But, among the forty-five borough Members now proposed to be taken away, thirty-four may be considered as included in the eighty-four representing county influences. We take forty-five seats from the 334 forming the existing borough constituency, which leaves 289 seats representing boroughs, to which number must be added the nineteen new borough seats we propose to create, making altogether 308 borough seats. But from this number must be deducted fifty seats, which are the remainder of the eighty-four small borough seats which are supposed indirectly to represent the county population. Thus we have 258 seats representing the boroughs under the scheme we have laid before the Committee. On the other hand, we propose to add twenty-five new seats to the 162 forming the existing county representation, making together 187. To this number must be added the fifty small borough seats representing county interests which I have just deducted from the borough representation, and so we shall have a county representation of 237 against a borough representation of 258. This is, upon the whole, a fair adjustment of the representation, because although this proposal is not so favourable to the counties as the present system in a numerical point of view, still the vigour of the county representation will be greatly increased by that representation being direct instead of indirect. That is the proposal we have laid before the Committee. If the House is sincere—and I cannot doubt the sincerity of the House after the discussions that have taken place upon this subject—that in the distribution of seats there shall be a *bona fide* attempt to put the counties in a more satisfactory position in the representation than they have hitherto occupied, I cannot doubt that the Committee will come to the conclusion that this proposal is a just, mode-

rate, and well considered one. Numerically, I repeat, the county interest—I am not speaking exclusively of the agricultural interest, but of the great county interests in the various points—will not be so largely represented as under the present system, because now there are 220 county Members as against 246 borough Members, whereas under the new proposal there will be 258 borough Members as against 237 county Members. I think, therefore, that I have answered the hon. Member on the point he raised with regard to the county representation. I think I have shown that we should increase the representation of the great counties rather than that of the great towns and boroughs, because we cannot in any other way give representation to the 11,000,000 forming the county population, and to the great interests and industries which have been for so long so inadequately and imperfectly represented. The hon. Member for Wick says, “You are taking the forty-five seats from boroughs only.” I put it to the Committee, is that a just, candid, and fair view of the matter? Have we taken forty-five seats from boroughs which really represented the urban interests? We only need have listened to the speech of the hon. Member to find how completely he refuted his own argument. Did not the hon. Member, in referring to the borough of Cricklade, and to several other boroughs which are to lose a Member by the measure now before the House, contend that the assumed representation by those boroughs of urban interests was a farce? If that be so, can it be justly said that in taking away a Member from those boroughs we are taking a seat from the borough and urban representation? Instead of taking the whole forty-five Members from places which represent urban interests, we are, in fact, taking thirty-four Members from places which represent county interests under the existing system. It therefore seems that the hon. Member has utterly failed in making out any case for the consideration of the Committee. It is all very well for the hon. Member to say that he has no objection to our giving the counties twenty-five new seats provided we extend our plan and take seats from other small boroughs and give them to the larger boroughs. But in taking Members from a large number of small boroughs we should probably be still further depriving the county interest of its representation for the purpose of handing it over to the borough interest. If we were to adopt such a pro-

posal we should have to recommend a further increase of the county representation. The arguments of the hon. Member upon this head, therefore, are utterly illusory and futile. Having considered the effect the hon. Member's plan would have upon the counties, let us see what effect it would have upon the rising urban population of the country. Assuming as a fact that which I have been endeavouring to uphold as a sound principle of policy, and which has been supported by the view of the hon. Member himself—namely, that we ought to give twenty-five seats to the counties—and recollecting that the number of seats for distribution is limited to nineteen or twenty, how are we to provide for the representation of the rising urban populations if we accumulate the representation among the large boroughs already represented? It is no argument to contrast Birmingham, with its two Members, with some small town which has also two Members. You might as well contrast some great county with its two Members with one of its small boroughs having a like representation. You might as well take North Durham, with its great industrial population, which is represented by two Members, and compare it with the four boroughs it contains whose aggregate populations, not exceeding one-half that of the county, return eight Members to Parliament. There is a flagrant anomaly according to such superficial reasoning. Would you disturb that arrangement, would you propose to increase the county representation because the four boroughs have thriving constituencies?—and it is fortunate for them and for the country that they are adequately represented. What I say is that, first, as regards the counties, the only course you can take is to increase their representation, especially when you see that the great majority of the population is to be found among them. As regards the towns, our principle should be to grant enfranchisement to those which represent rising industries. Therefore, I cannot conceive that the policy recommended by the hon. Gentleman will be adopted by the Committee. The hon. Member has very candidly informed us of the views that have induced him to bring forward his proposal, although he has not formally recommended the Committee to adopt them. He tells us that he has brought in this scheme to prepare the way for the adoption of cumulative voting. If the House is in favour of cumulative voting, or in favour of any of

the schemes for securing the representation of minorities which have been brought forward of late, they can, of course, deliberate upon the propriety of adopting the proposal of the hon. Member. Her Majesty's Government, however, are opposed to cumulative voting, and to those other fantastic schemes that do not come under our notice in this discussion. Her Majesty's Government do not shrink from such questions, and they will be prepared to give their reasons for objecting to such proposals when the proper time comes. I must say a word or two upon another point. When I ventured to inform the House to-night that the issue before us was one of the greatest importance and gravity, I did not wish it to be understood that it was the intention of Her Majesty's Government to treat this question differently from other questions connected with the settlement of this measure on which they have received from the House of Commons so cordial and so kind a support. There are, however, occasions when it becomes the duty of the Government to impress upon the House the importance and the gravity of the question at issue. Thus, for instance, it is easy for any hon. Gentleman to propose that there shall be an increase to the representation of large cities by plausibly contrasting them with smaller boroughs which have an equal representation, and to enlarge upon the injustice and flagrant anomaly of the present system—to say that agitation will re-commence, as if agitation were the real normal condition of the country. But the issue so raised is one of great importance—everything depends upon it. Before the House comes to the determination to entirely change the principles upon which the opinions of the people of England have been hitherto represented in Parliament they ought to be warned by those who hold office of the importance and the gravity of the question before them. We have been told to-night that it is absolutely necessary that the representation of the large cities should be enlarged, because the duties of the representatives of those cities have been so much increased. We are required upon these grounds to give six Members to Manchester. I do not believe in that theory at all. I believe that two Members for Manchester will do their business much better than a larger number. The probability is that too many artists would not improve the broth. The hon. and learned

Member for the Tower Hamlets (Mr. Ayrton) represents interests equally diversified with those of Manchester, but I never heard him complain that he has too much work; I never heard that his constituents complained that he neglected their interests, although they are quite as varied in character as those of the inhabitants of the towns in Warwickshire and Lancashire. A population of a town which is aggregated is much more likely to be fairly represented than where the constituency is scattered, as is the case in every large county. I cannot believe that by having this multiplicity of Members you really provide for the more effectual representation of large towns. I believe that the tendency of our modern civilization is rather to reduce than to increase the number of representatives of large towns. The conditions are not the same in large counties of perhaps sixty or seventy miles in length. The character of the population at one end may vary from that of the population at its other end. At one end you may have a population living entirely in the plains: at the other end among the hills. There are different circumstances and different industries to be considered, so that one Member is not sufficient. They must represent different parts. It is not so in towns. Even in counties, I shrink from increasing in this manner the representation of localities, and we hope to have the satisfaction of terminating, at all events, one of the three-cornered counties. I am of opinion that this plan is not founded upon sound policy, upon the policy which is recognized by the universal feeling of the House: that is, that we ought to create an adequate representation of counties, and that the rest of the representation should be distributed among those rising urban communities which have proved by their successful progress, by their industry, and by their energy, that they are entitled to representation in this House.

MR. GLADSTONE: I shall not attempt to reply to that portion of the speech of the right hon. Gentleman which refers to the cumulative vote, or to that portion which refers to the undivided representation of great towns. The question as to whether the great towns ought to be divided—I will not say whether I think my hon. Friend the Member for Birmingham right or wrong—is a question totally distinct from the question raised by my hon. Friend the Member for Wick, just as the question of cumulative votes would still

remain a distinct and ulterior issue if we decided that the great towns ought not to be divided. If these questions are to be justly treated at our hands, we must keep them separate, and have them fully discussed. I do not consider in voting for my hon. Friend the Member for Wick that I am pledging myself in any way with regard to these ulterior motions. On one point I have heard the statement of the right hon. Gentleman with satisfaction, because it relieves me from the apprehension I felt at the words which dropped from him at an earlier portion of the evening. It now appears that it was not to the Motion of my hon. Friend the Member for Wick *per se*, and apart from any other Motion, that the right hon. Gentleman objected so strongly as to say so vehemently that its adoption would compel the Government to re-consider their position with regard to the Bill. ["No, no!"] I am glad to understand that that objection was not—["No, no!"] Then, am I to understand that the position of the Government with regard to this Bill will have to be re-considered in case we should vote in favour of recognising the claims of the largest towns in this country to additional representation. If that be so, I must, of course, retract the expression of satisfaction I just made. In the first place, I must say, with regard to the Bill itself, that it is the property not of Her Majesty's Government, but of the House. In the second place, if Her Majesty's Government conceive that their position as an Administration is brought into peril and jeopardy by our determining that the large populous communities are entitled to a fair amount of representation, I must say such a view, after all that has passed, would be the most egregious instance on record of straining at a gnat after swallowing the camel. Seriously, Sir, I must claim for the House full liberty of entering freely upon the discussion raised by my hon. Friend. The proposal made is one not novel in itself, one of no very wide scope, and in no way aiming at the overthrow of the views of Her Majesty's Government as to re-distribution, a proposal with regard to which—if upon any point connected with the Bill—the House of Commons is entitled to exercise its judgment unbiassed by any fear of political consequences. When I recollect the letter of the right hon. Gentleman with regard to the two years' residence, and his subsequent explanation—far more wise, I think, and ad-

visable than the letter itself—I trust the like lenient view will be taken, and that should the deliberate judgment of the House be in favour of the proposal of my hon. Friend, the right hon. Gentleman will receive the result philosophically, and see whether such a proposal cannot without any disturbance be incorporated in the plan of Her Majesty's Government. I am desirous that we should know precisely upon what we are going to vote. In one point, and one point alone, of the speech of my hon. Friend the Member for Wick I could not concur. That point appeared to me to be unfavourable to his own proposal. I understood him to say that if we adopted his Motion we should virtually determine that the seats required for the additional representation of the large towns should be obtained by the adoption of a system of grouping in small boroughs. I cannot think that my hon. Friend did himself justice on that point. I protest against the doctrine that by acceding to the Motion of my hon. Friend we bind ourselves to any method of supplying the seats. It is perfectly open to the Committee to re-consider the question of the smaller boroughs at a future stage. It is most important it should be understood that we express no opinion whatever upon the mode in which the seats which we are to give to the large towns are to be obtained. In this opinion I shelter myself under the high authority of the Chancellor of the Exchequer. The right hon. Gentleman laid down the other evening, with perfect truth and justice, the proper course to pursue on this subject. The right hon. Gentleman said our first duty is to consider the claims of the various places and communities to representation, and when we have ascertained the justice and extent of those claims, to find seats in sufficient numbers to settle them from those portions of the country where weaker claims exist and where the representation possessed is out of character with the importance of the communities. We have to consider whether these large towns have or have not a fair claim to increased representation. Here it is impossible not to notice the way in which the right hon. Gentleman places the interests of the counties in opposition to those of the towns. I am of opinion that there is no great, no irrefragable claim of policy or principle, that mere numbers should be adopted as the basis of representation in counties. I protest against the fancied

[Committee—Clause 10.]

opposition between county and town which placed the right hon. Gentleman under the necessity of entering into such an elaborate calculation. I do not intend to give any pledge as to the proposals of the right hon. Gentleman with regard to counties, but I think there is nothing unreasonable in the idea that some such number as he proposes should be added to county representation. About the details there may be much to say, but I do not in any way wish to convey the impression that in adopting the Motion of my hon. Friend we do anything to interfere with that scale. But it seems to me that this claim is irrefragable both on grounds of policy and principle; and here I feel the importance of the Motion of my hon. Friend. You cannot settle the question of Reform upon a basis of re-distribution so limited and narrow as that upon which we now stand. I deeply regret the rejection of the Motion of my hon. and learned Friend the Member for Portsmouth, for had that Motion been carried the number of seats placed at the disposal of the Committee might possibly have led to its acceptance as a settlement. I am confident that no plan so narrow as that now before us, and more especially so narrow as to exclude the great towns from increased representation, even if it were for a moment to receive the sanction of the House, could endure the time which we desire this measure to last. I say "if it receive the sanction of the House," for, undoubtedly, it is possible that the Motion of my hon. Friend may be rejected by votes like that of my hon. and learned Friend the Member for Manchester (Mr. James), who confesses distinctly—and I am glad that he has so plainly avowed his reasons—that he will vote against the Amendment because he believes it is not good to settle the question of Reform. My hon. Friend is not to be deterred by any fear of prolonged agitation for increased representation of these boroughs. He appears to think that the House of Commons would have nothing to do after this Reform Bill has passed, and that it is advisable some constant employment should be found for us. I proceed exactly upon the opposite principle. I cordially concur with the Chancellor of the Exchequer in the opinion that agitation is not the normal state of this country, and that it ought not to be the normal occupation of its people. It is because I feel deeply convinced of the importance of that proposition that I shall end as I have be-

Mr. Gladstone

gun in the Reform discussion, by endeavouring in all things to arrive at some settlement that has a prospect of permanence. I think, therefore, that in policy we are bound to adopt a Motion like that of my hon. Friend. Some such Motion is necessary to secure a satisfactory and durable settlement. Can there be a greater paradox than to say, that communities varying infinitely in importance are to have equal representation, and that it is to be limited in every case to the number of two? We have been compelled to depart from that principle in the case of the Metropolis, and we go still further as regards the Metropolis by this Bill. Why, then, are we to adopt a limitation with reference to Manchester and Liverpool? The speech of the right hon. Gentleman is good not only for this, but also for future years. He contends in principle that it is wrong to increase the representation of great communities. Such a declaration is contrary to the reason of the case. Are not the numbers of the people, their property, their intelligence determining qualities, which ought to serve in some degree—in a principal degree—of the measure of influence and weight they are to possess in the councils of this House. If so, how must we look at the cases of Manchester and Liverpool? I speak in the face of one of the representatives of Manchester, and, though I have not the honour of representing that city, my acquaintance with it is quite as long as that of my hon. and learned Friend (Mr. James), and possibly it may continue as long as his. It seems impossible to look at the cases of Manchester and Liverpool, and to suppose that they will acquiesce in a system which will reduce almost to insignificance, numerically, the weight of their representation. The right hon. Gentleman the Chancellor of the Exchequer answers this by making comparisons between counties and towns, and by resorting to his old fallacy of comparing the population of the two. If the right hon. Gentleman will make the comparison on the basis of population, he must give the counties the same extended franchise as the towns. It is unjust, in speaking of the representation of the counties, to insist upon population as a measure of representation in the same way as, under the old constitution of the United States, the population of the Southern States was taken for the measure of the representation, while the great bulk of the population was excluded from the franchise. It is on

the ground of the general importance of the counties, and not on that of any fancied opposition between their interest and that of the towns, that they are entitled to an increase of representation; and on the ground of that general importance Liverpool, Manchester, and other places are likewise entitled to it. But you cannot couple their representation with that of other towns. What does Liverpool care for the representation of Clitheroe? The interests of Liverpool are not identified with those of Clitheroe. It is not fair to throw the small towns into the balance as make weight, when you can otherwise meet the claims of Liverpool to increased representation. Compare the case of Liverpool with that of the county. While Liverpool, with a population of 440,000 in 1861, is to be restricted to two Members, South Lancashire is to be divided, and a population of 300,000 is to be invested with exactly the same amount of representation as Liverpool. Upon what intelligible principle, other than that of fancied rivalry, are you to divide Somerset, with 300,000 or 350,000 in population, and increase its four Members to six, while you leave Liverpool with two! You could only act thus upon a fancied rivalry between towns and counties, which I think is a disorganizing political principle. This would be to provoke agitation in the country, and to keep up that festering sense of injustice which becomes inconvenient at times, and which is sure to find, sooner or later, and the sooner the better, a remedy for itself in a country that exists under free institutions. But if we want argument to refute the right hon. Gentleman, what reply does he attempt to make to the precedent he has given in the case of Glasgow? In the case of Glasgow the right hon. Gentleman has proposed to increase the number of representatives from two to three. Yet he lays it down as a principle for Manchester and Liverpool that the number of two is to be stereotyped, and that no increase is to be made under any circumstances. The real anomaly is much greater than the apparent one. Since 1861 the population of Liverpool has increased, until it is now past 500,000. It will continue to increase at the rate of from 20,000 to 40,000 a year; thus necessitating a change in the representation at an early date, unless we now make some moderate acknowledgment of its claims. The inequality in the case of Liverpool will be aggravated by the enlargement of its boundaries.

Therefore, unless we adopt the Motion of my hon. Friend, we shall not only pass by, but increase an injustice. I am reluctant to enter upon topics the discussion of which may seem to reflect upon a part of the House, or upon the House itself. It is fair to consider all that has been done in the past as resting upon the responsibility of the House. But I will venture to say this, do not let us deal with the question of representation as we dealt with that of the franchise. Moderate demands were made in the first instance, were declined and refused. These were followed by sweeping demands which, under some apparent sense of necessity, were conceded. If we propose a plan of re-distribution wholly inadequate to the necessities of the case, let us beware lest by adhering to the undue narrowness of our present schemes and conceptions we bring about, just as we did in the case of the franchise, a necessity for a greatly extended change; and are some day surprised by the announcement that nothing remains but to launch at once into electoral districts. I do not argue for an unnecessary extension of this scheme. But let me remind the Committee that by the Bill of last year, which no one charged with too extensive disfranchisement, we diminished by 49 or 50 seats the representation of the small boroughs, while in the Bill of the present year it is proposed to be diminished by only 38. Yet we have adopted this year a franchise much larger than that which was proposed last year. A fair inference would be that there should be a corresponding change in the scheme of re-distribution in order to give to the work that proportion and solidity without which we cannot hope it will last. These considerations are conclusive in favour of the Motion of my hon. Friend. I regard it as an advantage and a recommendation that it will have the effect of fairly introducing the discussion of the plan proposed by the hon. Member for Lambeth, with regard to which I will say, without in the slightest degree expressing an opinion upon it, which it would be premature to do, that it is one that we must all feel well deserves careful and impartial consideration.

VISCOUNT CRANBORNE: The approaching division is important, and I may be excused if I occupy a minute or two in stating the reasons for the vote I am about to give. The right hon. Gentleman who has just sat down is, in my opinion, in error in saying that this vote does not bind

[Committee—Clause 10.]

us to one opinion or another on the question of cumulative voting, which I strongly favour, for the rejection of this Motion will preclude us in the most absolute manner from carrying out the plan of cumulative voting. The object of cumulative voting is to secure the representation of a minority, where there is a large one; and it would be wholly unjust and inconsistent with the practice of the House to apply such a measure to the counties and not to the towns. Suppose you reject the Motion of the hon. Member for Wick and adopt that of the hon. Member for Lambeth, you will be in this position—the provision for the representation of minorities will apply to the counties where Liberals are in the minority, and it will not apply to the towns where the Conservatives are in a minority. I am not prepared to give my sanction to a proposal which operates so unjustly as that. I do not ground my vote merely upon the adoption of the Motion of the hon. Member for Lambeth. I am very much in favour of representing minorities directly. If I cannot do that I would then adopt the scheme attributed to Mr. Cobden of obtaining the representation of these minorities by geographical divisions. I would rather give three Members to large constituencies, because the experience of a number of years has shown that the natural justice and spirit of compromise inherent in the English people has always given the third Member to a considerable minority. There are now in England eight three-cornered counties. In five the minority is represented. In the others it was represented at the beginning of the last Parliament. With such facts before us it is impossible to doubt that three-cornered constituencies secure the representation of minorities. I confess I do not see the force of the argument of the Chancellor of the Exchequer, because the scheme of the hon. Member leaves the counties on one side. The choice you have to make is between the representation of the minutest boroughs, and the representation of the minorities of the largest boroughs. I confess that what has taken place with regard to the franchise does affect in a material degree our position with respect to the representation of the smallest constituencies. The right hon. Gentleman the Chancellor of the Exchequer on Thursday last, in introducing his new scheme, spoke of the vote of the House in very peculiar terms, to which, if I may be allowed, I should like to draw attention for a moment, because they some-

what affect me personally. The right hon. Gentleman said—

“The Committee is aware that the result of the division which took place on the Motion of the hon. Member for Wick was to make a considerable addition to the number of seats which the Government originally contemplated having at their disposal for re-distribution; for the Committee agreed to a Resolution that every existing Parliamentary borough which does not exceed 10,000 in population should be represented by only one Member—a principle which Her Majesty's Government entirely approved, although they did not think it possible to extend its application so far without the assistance of the Committee.”—[3 *Hansard*, clxxxvii. 1776.]

THE CHANCELLOR OF THE EXCHEQUER: It was the principle of having one Member only which we approved—not the 10,000 line.

VISCOUNT CRANBORNE; The right hon. Gentleman did not explain himself with his usual clearness, as I certainly understood him to mean that the Government had approved the 10,000 line. I refer to that subject for the purpose of saying that, though I value the small boroughs as they exist, and consider them a most important part of the representation of this country, and though I do not say that that character is now entirely destroyed, yet I think that the enormous addition you have made to the suffrage in those boroughs, by recognizing the claims of the very lowest classes in those boroughs, has materially affected their value in the representation. To say that the vices which affect the upper and middle classes of the community are ever found among the lower is to be absolutely proscribed. But assuming that to be for a moment possible, I fear you will find that there is less intelligence, less acquaintance with public affairs, and perhaps a greater disposition to appreciate commercial rather than political privileges among those whose life is a daily struggle for mere existence than among those in a higher position. To these classes practically, in the smallest boroughs, you have given the franchise. When, then, I have before me a scheme for enfranchising a minority in the greatest, the most intelligent, the most populous, and the most progressive boroughs, it seems to me that every Conservative principle should lead me rather to prefer those who are competent, and who are likely to exercise the franchise well, than those with regard to whose competence and probable course I am in the most absolute and complete darkness. I feel that the decision in this case will depend a good deal on the

Viscount Cranborne

view which hon. Gentlemen have formed of that prospect of government by the residuum which seems to be popular with a considerable portion of this House. I confess that I look to the prospect of government by "men in the moon" as the most frightful political danger which can befall us. I consider it a most serious danger to set against each other the squires in the counties and those who lead the large mobs in the towns, without any class between them to break the shock. By this Bill you are about to disfranchise absolutely the more intelligent classes in the towns. I do not entertain the same hostility to them that you do, but desire to preserve by this Bill, if I can, a door, however narrow and small, by which they can be admitted to an influence over the destinies of the country.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 239; Noes 247: Majority 8.

AYES.

Acland, T. D.
Adair, H. E.
Adam, W. P.
Agar-Ellis, hn. L. G. F.
Allen, W. S.
Amberley, Viscount
Antrobus, E.
Aytoun, R. S.
Bagwell, J.
Baines, E.
Barnes, T.
Barron, Sir H. W.
Barrow, W. H.
Barry, A. H. S.
Baxter, W. E.
Bazley, T.
Beaumont, H. F.
Beaumont, W. B.
Berkeley, hon. H. F.
Biddulph, Col. R. M.
Blake, J. A.
Blennerhasset, Sir R.
Bonham-Carter, J.
Brady, J.
Bright, J.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Bulkeley, Sir R.
Buller, Sir A. W.
Buller, Sir E. M.
Butler, C. S.
Buxton, Sir T. F.
Calcraft, J. H. M.
Calthorpe, hn. F. H. W. G.
Candlish, J.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Cavendish, Lord E.
Cavendish, Lord F. C.
Cavendish, Lord G.
Cecil, Lord E. H. B. G.

Chambers, M.
Cheetham, J.
Clinton, Lord E. P.
Clive, G.
Colebrooke, Sir T. E.
Coleridge, J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Colville, C. R.
Cowen, J.
Cowper, hon. H. F.
Cowper, rt. hon. W. F.
Cranborne, Viscount
Craufurd, E. H. J.
Crawford, R. W.
Cremorne, Lord
Crossley, Sir F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Denman, hon. G.
Dent, J. D.
Dering, Sir E. C.
Dilke, Sir W.
Dillwyn, L. L.
Duff, M. E. G.
Dundas, F.
Earle, R. A.
Edwards, C.
Edwards, H.
Enfield, Viscount
Erskine, Vice-Ad. J. E.
Ewart, W.
Ewing, H. E. Crum-
Fildes, J.
FitzGerald, rt. hon. Lord
O. A.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Fortescue, rt. hon. C. S.

Fortescue, hon. D. F.
Foster, W. O.
Gibson, rt. hon. T. M.
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Glyn, G. G.
Goldsmid, Sir F. H.
Goschen, rt. hon. G. J.
Gower, hon. F. L.
Gower, Lord R.
Graham, W.
Graves, S. R.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Grosvenor, Capt. R. W.
Grove, T. F.
Gurney, S.
Hadfield, G.
Hamilton, E. W. T.
Hardecastle, J. A.
Harris, J. D.
Hartington, Marquess
Hay, Lord J.
Hay, Lord W. M.
Heathcote, Sir W.
Henderson, J.
Henley, Lord
Herbert, H. A.
Hibbert, J. T.
Hodgkinson, G.
Holden, I.
Holland, E.
Hope, A. J. B. B.
Horsfall, T. B.
Howard, hon. C. W. G.
Hughes, T.
Hurst, R. H.
Ingham, R.
Jackson, W.
Jardine, R.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kearsley, Captain R.
Kennedy, T.
King, hon. P. J. L.
Kingleake, A. W.
Kingscote, Colonel
Kinnaird, hon. A. F.
Knatchbull-Hugessen E
Knightley, Sir R.
Laird, J.
Lamont, J.
Lawrence, W.
Lawson, rt. hon. J. A.
Layard, A. H.
Leatham, W. H.
Lee, W.
Leeman, G.
Lefevre, G. J. S.
Lloyd, Sir T. D.
Locke, J.
Lowe, rt. hon. R.
Lusk, A.
M'Lagan, P.
M'Laren, D.
Marjoribanks, Sir D. C.
Matheson, A.
Merry, J.
Milbank, F. A.
Mill, J. S.
Miller, W.
Mills, J. R.

Mitchell, A.
Mitchell, T. A.
Moffatt, G.
Monk, C. J.
Monsell, rt. hon. W.
More, R. J.
Morrison, W.
Newdegate, C. N.
Nicol, J. D.
Norwood, C. M.
O'Brien, Sir P.
O'Connor Don, The
Ogilvy, Sir J.
Oliphant, L.
Onslow, G.
Osborne, R. B.
Otway, A. J.
Padmore, R.
Palmer, Sir R.
Pease, J. W.
Peel, A. W.
Peel, J.
Pelham, Lord
Philips, R. N.
Portman, hn. W. H. B.
Potter, E.
Potter, T. B.
Price, R. G.
Price, W. P.
Rawlinson, Sir H.
Rebow, J. G.
Robertson, D.
Rothschild, Baron L. de
Rothschild, Baron M. de
Rothschild, N. M. de
Russell, A.
Russell, F. W.
Russell, Sir W.
St. Aubyn, J.
Salomons, Alderman
Samuda, J. D'A.
Samuelson, B.
Sandford, G. M. W.
Scholefield, W.
Schreiber, C.
Scott, Sir W.
Scrope, G. P.
Seymour, A.
Seymour, H. D.
Shafto, R. D.
Sherriff, A. C.
Simeon, Sir J.
Smith, J.
Smith, J. A.
Speirs, A. A.
Stacpoole, W.
Stansfeld, J.
Stone, W. H.
Stuart, Col. Crichton-
Sykes, Colonel W. H.
Synan, E. J.
Taylor, P. A.
Thynne, Lord H. F.
Tomline, G.
Tracy, hon. C. R. D.
Hanbury-
Trevelyan, G. O.
Vanderbyl, P.
Verney, Sir H.
Vernon, H. F.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, Capt. hn. J. C. W.

Waring, C.
Warner, E.
Weguelin, T. M.
Western, Sir T. B.
Whatman, J.
White, hon. Capt. C.
White, J.
Wickham, H. W.
Williamson, Sir H.

Winnings, Sir T. E.
Woods, H.
Yorke, J. R.
Young, R.

TELLERS.

Laing, S.
Hayter, Capt. A. D.

NOES.

Adderley, rt. hon. C. B.
Agnew, Sir A.
Akroyd, E.
Annesley, hon. Col. H.
Anson, hon. Major
Archdall, Captain M.
Arkwright, R.
Ayrton, A. S.
Baggallay, R.
Bagge, Sir W.
Bagnall, C.
Baillie, rt. hon. H. J.
Baring, H. B.
Barnett, H.
Barrington, Viscount
Barttelot, Colonel
Bass, A.
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. C.
Benyon, R.
Beresford, Capt. D. W.
Pack-
Bernard, hn. Col. H. B.
Bingham, Lord
Booth, Sir R. G.
Bourne, Colonel
Bowyer, Sir G.
Brooks, R.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, Sir H. H.
Bruen, H.
Buckley, E.
Burrell, Sir P.
Butler-Johnstone, H. A.
Campbell, A. H.
Capper, C.
Cartwright, Colonel
Cave, rt. hon. S.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cole, hon. H.
Cole, hon. J. L.
Conolly, T.
Cooper, E. H.
Corrance, F. S.
Corry, rt. hon. H. L.
Courtenay, Lord
Cox, W. T.
Cubitt, G.
Curzon, Viscount
Dalkeith, Earl of
Dawson, R. P.
Dick, F.
Dickson, Major A. G.
Dimsdale, R.

Disraeli, rt. hon. B.
Doulton, F.
Dowdeswell, W. E.
Du Cane, C.
Duncombe, hon. Adm.
Duncombe, hn. Colonel
Dunkellin, Lord
Dunne, General
Du Pre, C. G.
Dutton, hon. R. H.
Dyke, W. H.
Dyott, Colonel R.
Eaton, H. W.
Eckersley, N.
Edwards, Sir H.
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Fane, Lt.-Col. H. H.
Fane, Colonel J. W.
Feilden, J.
Fellowes, E.
Fergusson, Sir J.
Floyer, J.
Forester, rt. hon. Gen.
Freshfield, C. K.
Gallwey, Sir W. P.
Galway, Viscount
Garth, R.
Gilpin, Colonel
Goddard, A. L.
Goldney, G.
Gore, J. R. O.
Gore, W. R. O.
Gorst, J. E.
Greenall, G.
Greene, E.
Grey, hon. T. de
Grosvenor, Lord R.
Gurney, rt. hon. R.
Gwyn, H.
Hamilton, rt. hn. Lord
C.
Hamilton, Lord C. J.
Hamilton, I. T.
Hardy, rt. hon. G.
Hardy, J.
Hartley, J.
Hartopp, E. B.
Harvey, R. B.
Hervey, Lord A. H. C.
Hay, Sir J. C. D.
Heathcote, hon. G. H.
Heneage, E.
Henley, rt. hon. J. W.
Henniker-Major, hon.
J. M.
Herbert, hon. Col. P.
Hesketh, Sir T. G.

Heygate, Sir F. W.
Hildyard, T. B. T.
Hodgson, W. N.
Holford, R. S.
Holmesdale, Viscount
Hornby, W. H.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Hunt, G. W.
Innes, A. C.
James, E.
Jolliffe, hon. H. H.
Jones, D.
Karslake, Sir J. B.
Kavanagh, A.
Kekewich, S. T.
Kelk, J.
Kendall, N.
King, J. K.
Knight, F. W.
Knox, Colonel
Knox, hon. Colonel S.
Langton, W. G.
Lascelles, hon. E. W.
Legh, Major C.
Lefroy, A.
Lennox, Lord G. G.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lindsay, Colonel R. L.
Lopes, Sir M.
Lowther, Captain
Lowther, J.
McKenna, J. N.
Mackinnon, Capt. L. B.
Mackinnon, W. A.
Malcolm, J. W.
Manners, rt. hn. Lord J.
Manners, Lord G. J.
Marsh, M. H.
Mitford, W. T.
Montagu, rt. hn. Lord R.
Montgomery, Sir G.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Morris, G.
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, Sir J.
Neville-Grenville, R.
Newport, Viscount
North, Colonel
Northcote, rt. hn. Sir S. H.
O'Neill, E.
Packe, C. W.
Packe, Colonel
Paget, R. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Parker, Major W.
Parry, T.
Patten, Colonel W.
Paul, H.

Peel, rt. hon. Gen.
Percy, Mjr.-Gen. Ld. H.
Powell, F. S.
Pritchard, J.
Pugh, D.
Read, C. S.
Repton, G. W. J.
Ridley, Sir M. W.
Robertson, P. F.
Roebuck, J. A.
Rolt, Sir J.
Royston, Viscount
Russell, Sir C.
Slater-Booth, G.
Scott, Lord H.
Selwin, H. J.
Selwyn, C. J.
Severne, J. E.
Seymour, G. H.
Simonds, W. B.
Smith, A.
Smith, S. G.
Smollett, P. B.
Stanhope, J. B.
Stanley, Lord
Stanley, hon. F.
Stirling-Maxwell, Sir W.
Stopford, S. G.
Stronge, Sir J. M.
Stuart, Lieut.-Col. W.
Stucley, Sir G. S.
Sturt, H. G.
Sturt, Lt.-Col. N.
Surtees, C. F.
Surtees, H. E.
Sykes, C.
Talbot, C. R. M.
Torrens, R.
Tottenham, Lt.-Col. C. G.
Treeby, J. W.
Trollope, rt. hn. Sir J.
Turner, C.
Vance, J.
Verner, E. W.
Verner, Sir W.
Walcott, Admiral
Walker, Major G. G.
Walpole, rt. hon. S. H.
Walrond, J. W.
Walsh, A.
Walsh, Sir J.
Waterhouse, S.
Welby, W. E.
Whitmore, H.
Wise, H. C.
Woodd, B. T.
Wyld, J.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, C. W. W.
Wynne, W. R. M.
Wyvil, M.

TELLERS.

Taylor, Colonel T. E.
Noel, hon. G. J.

MR. LAING said, that the next Amendment of which he had given notice proposed to give a second Member to boroughs containing more than 50,000 inhabitants, which now had but one Member. As there

were only four boroughs in that category, and as two of them had been adopted in the scheme of the Government, he did not think, after the division which had just taken place, that it would be right to press his proposal. He could not believe, however, that those large and important populations whose cause he advocated would ultimately, or even during the present Session, remain without adequate representation, particularly when it was considered that his proposal had been defeated by so narrow a majority. He would not trouble the Committee by moving the next Amendment which stood in his name.

MR. A. MITCHELL said, he rose to move to add at the end of the clause the following words:—

“And every borough which returns, or shall return, two or more Members to Parliament shall be divided into the same number of districts as it does or shall return Members to Parliament, and each of such districts shall only return one Member to Parliament, independently of the other districts, the electors of each district being placed on a separate register and forming a separate constituency.”

Two-seated constituencies encouraged useless contests, and, as proved by the decisions of Election Committees, led to more cases of corruption than occurred in constituencies having a single Member. The instances in which Members had been unseated were as nearly as possible equally divided between the two parties. The fact of there being two Members for a constituency detracted from the independence of those Members. Statistics showed that corruption attacked in a greater degree to boroughs with a population exceeding 20,000 than to smaller places. Recent decisions of the Committee had considerably increased the number of one-seated constituencies. His scheme would diminish bribery, and would make its detection easier. It would make contests, where they occurred, fairer and more straightforward, and it would give minorities a more effective representation than the plan of cumulative voting. The late Mr. Cobden was in its favour.

MR. SERJEANT GASELEE said, that though he was an ultra-Liberal in some points he was a Conservative in others. He should certainly not vote for change for the sake of change. The proposal appeared to him to be a most useless and idle one. He objected to the proposal as an innovation which had nothing to recommend it. It was only calculated to benefit Members of the House, and not

the people at large. The hon. Member had deprecated useless contests, and would, no doubt, like to make his own seat a freehold. It was absurd, however, to talk of seats being obtained without money. Most seats were put up to auction and knocked down to the highest bidder. As to election committees, whose decisions the hon. Gentleman had quoted, he thought them worse than a farce, and had not the slightest confidence in them. As an illustration of how they were popularly regarded he would mention a conversation which took place last year in the lobby relative to a disputed return. One voter asked another how things were going, and the other replied, “Twenty to one for us; we have a Tory Chairman.” The Chairman was a very honourable man. Still the result was, that the Members of that borough, though it had since been disfranchised for the grossest bribery, retained their seats. He understood the gist of the hon. Member’s argument to be, that where there was only one Member there were fewer petitions, and, consequently, fewer Members unseated for bribery. No doubt what he had stated was true. But everybody must be aware that where there were two Members petitions were more frequent, because they were often presented in the hope that one of the Members would give way. Where a borough had two representatives they should be returned by the majority of the whole number of electors. He protested against the representation of minorities, and could see no merit in the various philosophic schemes which had been brought forward on this subject. He was in favour of the old constitutional principle of election by majorities, and he hoped he should long live to see it continued. There was nothing worth having in those novel philosophical schemes for representing minorities. It was trifling with the Committee to discuss them. These schemes were all very well in theory, but as a plain practical man he approved of their continuing what had hitherto worked well. He hoped the House would reject the Amendment by an overwhelming majority.

MR. DILLWYN said, that with the purport of the Amendment he cordially agreed. Its object was to divide boroughs with two Members into wards, in order to insure equalization in the representation of the people. He had himself given notice of Amendments with the view of attaining that object.

SIR JOHN PAKINGTON said, he was

[Committee—Clause 10.]

by no means prepared to say that the proposal was not worthy the consideration of the Committee. Still less to say any proposal should be rejected on the score of novelty. But the proposal was inconsistent with the spirit of the Bill, and therefore the Government must oppose it. He hoped the hon. Gentleman would not press it to a division.

MR. AYTOUN said, the hon. and learned Serjeant had formed an erroneous opinion on the object of the Amendment, when he said it would only cheapen elections without benefiting the country. Anything that would open the doors of Parliament to men of moderate fortunes would be beneficial to the country generally. The great evil was the expense candidates had to incur in becoming Members of that House. At present those who could best afford to bear that expense were chiefly men of large fortunes, and members of the legal profession who wished to promote their professional interests. No doubt, a seat in the House improved the position of distinguished Members of the legal profession, but he did not think their desire to enter the House was inconsistent with the honour and integrity of their character. With regard to the Amendment, in his opinion it would be a great advantage if a due proportion between the two parties in the country were kept up in the House. Minorities ought to have a fair share in the representation, and he was in favour of some scheme of cumulative voting and of dividing boroughs into wards and counties into districts. He should support the hon. Member if he went to a division.

MR. WARNER said, he thought the proposed plan ought to be supported, neither on the ground that it gave a representation to minorities, nor that it saved the expense of elections; but because it provided for the most varied representation of all parties in the country. It also doubled the number of constituencies without increasing the number of seats, which was supposed to be large enough. If there was one reason more than another why the Amendment should not be withdrawn, it was the way in which it had been met by the right hon. Baronet (Sir John Pakington), who did not argue the question, but merely said the proposal was inconsistent with the spirit of the Bill.

MR. J. GOLDSMID said, he supported the Amendment on the principle that one man ought only to have a share in returning one Member.

Sir John Pakington

MR. MONTAGU CHAMBERS said, the time had not yet arrived when they could hope to carry this Amendment. The good sense of the country, however, would ultimately demand it. The present system of split votes was most objectionable. The second vote was not directed by choice, but was often a sort of compromise, and the representative who was elected by split votes was a kind of half and half Member. One of the greatest annoyances to a candidate for a borough returning two Members was, that if he was not the local popular man he had to moderate or extend his views in order to obtain the second vote. The Amendment would not diminish the expense at elections, because each candidate would have to pay his own, instead of as now dividing it with his colleague. With regard to bribery in boroughs returning only one Member, it was well known that compromises often took place to prevent the exposure of bribery and corrupt practices, because one party was as bad as the other. On the broad principle of having the community properly represented he was much in favour of the Amendment, but he did not think that circumstances were quite ripe for its adoption. Though they might carry a very excellent Reform Bill this year, there would be many points to discuss in connection with a complete Reform in Parliament in future Sessions.

MR. A. MITCHELL said, he did not state that his scheme, if adopted, would save expense, but that where one seat was contested in a two-seated borough it would prevent the other candidate who was not opposed from being put to expense as the particular candidate who was opposed. Sixty-three Members had been put to additional expense in that way during the last nine elections. He did not say there was no bribery in one-seated boroughs, but that by comparison there was one-third more bribery in two-seated boroughs than in one-seated boroughs. Not wishing to impede the passing of the Bill, he should adopt the suggestion of the right hon. Gentleman (Sir John Pakington) and withdraw the Amendment.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER moved to add the words—

“The parishes of Chelsea, Kensington, and Hammersmith shall, for the purposes of this Act, together form a Parliamentary borough, called the borough of Chelsea, and the said borough

shall, in all future Parliaments, return two Members to serve in Parliament."

MR. AYRTON said, he wished to call the attention of the right hon. Gentleman to the fact, that the adjoining parish of Fulham was within the limits of the Metropolis, and subject to the administration of a local Board, under the Metropolitan Board of Works. The population was only 15,500, and it would be a pity that this small piece of the metropolis should be disconnected from the borough representation.

THE CHANCELLOR OF THE EXCHEQUER said, he had been under an impression, which he had since found to be erroneous, that Fulham was not under the Metropolitan Act. Fulham would not add too much to the population of 158,000 forming the new borough. He should, therefore, propose to include Fulham.

SIR MICHAEL HICKS-BEACH said, he thought that the Chancellor of the Exchequer ought to have given the House some explanation of the reasons that had induced him to create this new metropolitan borough. The metropolis was sufficiently represented. The City of London was neither from population nor any other cause entitled to have four Members. Either Manchester, Birmingham, Leeds, or Bristol was more worthy of an increase of representatives than the metropolitan districts.

MR. CRAWFORD said, that the hon. Member probably came to the conclusion he had expressed with regard to the City from the population returns taken from the last twelve months. If the hon. Baronet would only come into the City in the daytime he would see a concourse of population far exceeding that of any other borough constituency in the kingdom. The average number of persons who came into the City for the purpose of business during the day was 750,000, while the return of the resident population was only 130,000. If the hon. Gentleman (Sir Michael Hicks-Beach) had taken the pains to inquire into the taxes and various other contributions of the metropolis, he would have found that no other constituency in the kingdom had so large a claim to increased representation. The claims of the City to four Members had always been recognised. The associations existing between the Government and the great City Companies, such as Merchant Tailors, should recommend the claims of the City to their protection.

MR. POWELL said, the Government had acted wisely in giving an urban representation to portions of Middlesex that were purely urban. He should regret to see the arithmetical principle adopted, and Finsbury and other Metropolitan localities receive additional Members in proportion to their numbers. Although in such a country as England they could not confine the town population within the boroughs, or the country population within the counties, still they should approximate, as far as might be possible, to that result. It was very much wiser to treat these outlying districts of London as towns than as portions of a county with which as a county they had but few relations. He saw no reason why London should have four Members because a large number of persons entered it for business purposes in the daytime. Epsom and Ascot might as well claim to return a Member because a great many people were there in the middle of the day.

MR. NEATE said, he should support the Amendment of the right hon. Gentleman. It would be convenient to allow the City to retain its four representatives, in order that it might act as a preserve of two Members, upon which the House might draw if any new boroughs should require representation. It had no claim on its own merits to four Members. If the hon. Gentleman (Mr. Crawford) founded a claim to four Members upon the fact that a large number of persons went to the Stock Exchange in the daytime, a similar claim might be established for Chelsea, on the ground that a large number went to Cremorne at night.

MR. GOSCHEN said, he protested against the notion that the City of London had a preserve of two Members who might be taken to supply the wants of any new boroughs. If a notion existed that the City was over-represented, its Members could not have done their duty. The subjects which claimed their attention were so numerous, varied, and complicated, that there might well be four Members to do justice to them as they arose. A similar argument might be used on behalf of the great cities whose claims to a third Member had been discussed that night. It was impossible for one or two Members to deal satisfactorily with all the questions that might arise in those communities. The Members for the City were expected to deal with railways, the currency, and all other great commercial

questions. They represented not only the people who slept in the City at night, but also those great commercial interests which attracted so large a concourse to the City in the daytime.

MR. NEWDEGATE said, that was not the first occasion on which it had been proposed to unite Chelsea and Kensington into a Parliamentary Borough. Such a proposal was made in 1861. Sir James Graham had remarked, that if population, property, and contribution to taxation and revenue would qualify a locality for separate representation, Kensington and Chelsea were fairly qualified. The noble Lord the Member for Middlesex had also given a most powerful description of their claims. But he put this question. Was it consistent with the general feeling of the House and of the public further to extend the principle of household suffrage—which undoubtedly was a democratic principle—into new boroughs in preference to increasing the representation of existing boroughs, or the representation of counties, which rested on a £12 rating franchise? Household suffrage certainly was an ancient principle, but except to a very limited extent it had been abandoned for centuries. He was, perhaps, of all Conservatives the least afraid of it. But he thought this proposal was scarcely consistent with Conservative principles. He wished to know, whether the two Members, which the right hon. Gentleman the Chancellor of the Exchequer proposed to give to Chelsea and Kensington, would in his estimation form part of the eighty-four borough Members who the right hon. Gentleman said represented counties. He did not agree with those who wished to curtail the representation of the City of London. He was himself a freeman of the City, and he did not think that four Members were at all too many for the varied and complicated interests embraced in the City. But he could not understand on what principle the Government had determined to create the new borough of Chelsea and Kensington, instead of adhering to their previous Resolution of dividing Middlesex. It would, in his opinion, be much better to divide the county of Middlesex, as was proposed to be done in the year 1861. It was now sought to give a peculiar privilege to the householders of two parishes, instead of granting two more Members to the general constituency of Middlesex. It mattered not where the freeholder, the copyholder, or

the leaseholder lived. If his qualification was of the requisite value he voted for the county in which his property was situated, though he might reside in any part of the country. The county representation was, therefore, not a local but a national representation, and it was the only representation which was national. He regretted that the Government proposed to create new boroughs within the counties instead of adding to the county representation. He could not understand how the Chancellor of the Exchequer had convinced himself that the Members for eighty-four of the boroughs of England were representatives of county constituencies, though the county Members, being returned by the freeholders within the boroughs, represented the inhabitants of the boroughs, there was no such relation between the inhabitants of the counties and the borough Members. He was a county Member, but he had 2,000 constituents in Birmingham, 800 in Coventry; and 1,400 freeholders and leaseholders resident in London voted for the county Members of Middlesex. County Members represented constituents in all parts of the kingdom, and were the only Members who represented the whole community. The position in this respect of the county Members went far towards realizing the scheme of general representation which the hon. Member for Westminster had proposed, based on the plan of Mr. Hare. He, therefore, regretted that the right hon. Gentleman had determined upon creating a new borough instead of adding the Members to the county representation.

MR. SERJEANT GASELEE said, he would remind the hon. Gentleman who had just spoken, that if county Members represented people who were scattered all over the country, the Members for naval boroughs represented people who were scattered all over the world. He rejoiced that the most pernicious Motion of the hon. Member for Wick had been negatived that night. It was quite absurd under the present system to give more than two Members to any borough. The City of London had double its proper number of seats. If the hon. Member for Oxford would move that two Members should be taken away from the City of London he would second the proposal. Not only had that city its own four Members, but the Recorder of London and the Common Serjeant both had seats in Parliament. So that the City of London, with a population

Mr. Goschen

at 120,000, had practically six representatives, while Marylebone with 500,000 had only two. It was quite a farce to allow that city, which had little to recommend it except its influence, to retain such a disproportionate share of the representation. Being himself one of those who were unfortunately obliged to go into the City four times a year, he should be quite content to be represented by two Members instead of four.

COLONEL SYKES said, he was glad to perceive that justice was about to be done to Hammersmith, Kensington, and Chelsea. They had for a long time urged their claim to be represented in Parliament, and were entitled by the wealth and intelligence of the inhabitants to have that claim granted. He should be sorry, however, that a proposal to enfranchise those districts at the expense of the City of London should find favour with the Chancellor of the Exchequer. Besides a resident population of 112,000 there was in the City a population of 250,000, by whom its business was conducted. Seeing that it was the commercial and monetary Emporium of the world there could be no valid objection to its retaining its four Members.

MR. J. HARDY said, he could not see on what ground the City of London could lay claim to the services of so many Members as it now possessed. He was unable to understand why it should have four Members any more than why four horses should be put to one plough when two would do the work just as well. Again, why was one man so much better than another that he should have three or four votes, while an elector in another borough had only one? If there were to be cumulative voting, or if every elector were to give only one vote, he could understand it; otherwise he could not.

THE CHANCELLOR OF THE EXCHEQUER: My hon. Friend the Member for Gloucestershire (Sir Michael Hicks-Beach) says he is at a loss to know the reason why we propose to create this new Metropolitan borough. He has perhaps forgotten that according to the original plan of the Government we intended to divide the county of Middlesex. When, however, after the success of the first Motion of the hon. Member for Wick, we had to re-consider our scheme of re-distribution, it struck us forcibly—the point, indeed, was pressed upon our attention by many persons interested in the locality—that the character of the population of Kensington, Chelsea,

and the parts adjacent were strictly urban and that in dividing the county of Middlesex we should be accused of making an arrangement favourable to what is called the rural interest. That was not the intention of the Government. Our original plan recommended itself to us on the ground that increased representation ought to be given to those wealthy and populous districts, and that that object could best be secured in the manner we suggested. Having to re-consider the subject of re-distribution under different circumstances, with a larger number of seats to dispose of, I had the honour of submitting to the Committee a scheme I believed to be strictly just, a scheme not influenced by considerations of party interest, and one which, when fully discussed, will be found to be superior to any other propounded. Would it have been politic on our part that we should pretend—when from a sense of duty and the necessity of the case we were proposing a considerable addition to the number of county Members—to add to that number by conferring additional Members on that portion of the county of Middlesex which had been represented to us as strictly urban? Instead of having twenty-five seats to give to counties we should, if we had adopted that course, have had to increase the number to twenty-seven, while that increase would in reality have the effect of adding to the borough representation. We deemed it, under all the circumstances of the case, therefore, better to complete the inadequate representation of the metropolis by means of a distinct interest—an interest perfectly distinct, for instance, from the borough of Hackney—and I cannot help thinking that we came to a wise resolution. That is the answer which I have to give to my hon. Friend the Member for Gloucestershire, who seems to be unaware that we originally proposed to divide the county of Middlesex, and that we now propose to take away the large urban element, leaving what may fairly be described as that portion of the county which is strictly rural, and which may even be said, though so near London, to be distinguished by habits of almost primeval simplicity. As to the City of London, I see no good reason why it should not have four Members. With due respect for its present Members, who on this as upon all other occasions are ready to defend its interests, I think they might have taken better ground than they have done—namely, the ground of prescription which

ought to have great weight with my hon. Friend the Member for Gloucestershire. The City of London has for centuries been represented by four Members. In the adjustment of the representation of a country like England prescription must in many cases greatly influence those who happen to be responsible for arrangements which might otherwise be challenged. One of the Members for the City (Mr. Crawford), alluded to the powerful companies which exist within its limits, and mentioned among others the Merchant Tailors as being one of the greatest importance. I have a great respect for the Merchant Tailors' Company. I had lately the pleasure of meeting them. I had on the same occasion the satisfaction of meeting the hon. Gentleman who made the observations to which I am referring. He therefore, I have no doubt, spoke with great sincerity in all he said in favour of that ancient company. I may now observe that my hon. Friend the Member for North Warwickshire (Mr. Newdegate) seems to me to have adopted a peculiar line of argument on this subject. He is in favour of our looking on the urban population of Kensington and the other adjacent parts as perfectly rural, because by such an arrangement, he says, we should insure a Constitutional democracy. That word "democracy" is an awful word. I despair of getting a definition of it even from hon. Gentlemen opposite, as much as I do of obtaining a definition of the word "dwelling-house." My hon. Friend regards the extension of the franchise which we ask the Committee to adopt as a great evil. If I could agree with him in that respect I should be prepared to admit that it might be very wise to make an arrangement by which not only Chelsea and Kensington, but even the City of London might have a county qualification. We, however, are of opinion that the borough qualification we propose is one which will work advantageously. We are of opinion that it is far from being a democratic qualification, if by that he means that the populace is to be the ruler of all things. We do not think that it will act in the manner which has been suggested on the settlement of property and on those institutions the excellence of which is that they are national, and founded in the hearts, the sympathies, and the interests of the community. Believing that to be the case, I cannot concur with my hon. Friend that we should propose a scheme which could not last. No

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one can deny that Kensington is part of the metropolis of the Empire. In endeavouring to persuade ourselves that it is a county we should be really sanctioning an arrangement which would be unnecessary, deceptive, and delusive. I deem it much better to stand by the arrangement we have made, to create a borough of importance in the county of Middlesex, than to allow that county in the rural interest to return additional knights of the shire to the House of Commons.

MR. NEWDEGATE said, that he did not speak of the Kensington district as rural. It was exactly as the Chancellor of the Exchequer had described, but would be still not improperly included in a county representation.

MR. LAING said, he had reason to complain of his adverse fate, which had postponed the present discussion until after the division had taken place upon his Motion. If the two debates had been reversed the minority might have been converted into a majority. The Chancellor of the Exchequer, being hard pressed, had—as he often did—invented a principle to meet the emergency drawn from the ancient stores of Greek learning. The right hon. Gentleman had gone to Pythagoras, who insisted on the mystical properties of numbers. The number which the right hon. Gentleman applauded was "2." But he must during the last discussion have felt like Frankenstein, who had created a monster he could not control, when he found hon. Gentlemen rising and insisting upon reducing the representation of the City to the level of 2. Considering the world-wide interests of the City, the proposal was a *reductio ad absurdum* of the principle of the equality of representation. Though he lived in Marylebone, he would far rather have the great interests of the City adequately represented than those of the borough in which he resided. It was an exhibition of the sound wisdom of our ancestors that they had conferred upon so important a centre the privilege of returning four Members. One thing, however, was needed to perfect the system, and that was some such practice as cumulative voting, in order that minorities might be represented. With regard to the immediate question before the House, it would be far better to give two Members to Chelsea and Kensington than to divide the county of Middlesex.

MR. HENRY BAILLIE said, that whatever the prescriptive right of the City

of London, he saw no reason why it should have four Members, and why each elector should have four votes. He could not see why the longshore men who were generally reported to be in the habit of taking money for their votes, should have more votes to dispose of than other electors.

MR. ROEBUCK said, the hon. Member for Wick (Mr. Laing) should rather congratulate himself that the present discussion had not preceded the division on his Motion, because if it had a pointed question would have been put to him. He had talked of flagrant anomalies, and began by instancing places in the country; but the most flagrant anomaly in existence was to be found in the borough of Marylebone, which was very much larger than any borough to which the hon. Member for Wick proposed to give a Member. Why, then, did not the hon. Member begin with Marylebone? If he had, perhaps he would have succeeded in his object. As he did not, the hon. Member failed and he was glad of it.

MR. BERESFORD HOPE said, that Marylebone did not come in the same category as Manchester, Sheffield, Birmingham, and similar towns, because it had not a corporate existence.

Amendment, with the addition of the word "Fulham," *agreed to*.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. AYRTON said, he acknowledged the extreme fairness of the Government in proposing the clause in the amended form. But he regretted that, in considering the clause, the Committee had had to discuss questions not properly arising out of it, and brought under their notice in a most unfortunate manner. He hoped that the House would not be thought to have expressed any definite opinion on the proper mode of dealing with the representation of large towns. He had felt it his duty to vote against the Amendment relating to that subject in consequence of the peculiar manner in which it was brought forward. It was impossible that questions affecting large interests could be allowed to be in the hands of a private Member who did not treat them with fairness and liberality. He never recollected so important a question being submitted to the House in so narrow and restricted a spirit as the question brought forward by the hon. Member for Wick. That hon. Member had selected certain boroughs and taken them under his

peculiar patronage, while he had indulged in language which could not but be regarded as offensive to other constituencies. They could never deal with any question of enfranchisement without exactly knowing where the seats were to come from. There was no dealing in a dark and doubtful manner on a subject of that kind. When an hon. Member proposed to enfranchise any particular places, he should be prepared to state from what source the seats were to come; but for any one to say that he would enfranchise this or that town, and at the same time to shrink from the responsibility of telling the Committee what were his other arrangements was a mode of proceeding which should be discouraged. He therefore hoped that if any proposals proceeded from a private Member, they would be made in a frank and liberal spirit, and deal with the interests involved in no partial spirit.

MR. LAING said, he thought he must have been born under a very unlucky star in reference to this matter of re-distribution, for he had incurred the anger of two hon. and learned Members. He was quite ignorant what offence he had given to the hon. and learned Member for the Tower Hamlets. That hon. and learned Member said that no one should propose to create new seats without showing where they were to be derived from. At all events that observation did not apply to him, for his Amendments had been on the Paper of the House for the last month, showing how the seats were to be obtained. As for the presumption of which a private Member was guilty in bringing forward the question on this subject of Reform the House had been in a peculiar position. In the early part of the Session he had never shown any disposition to make Motions on his own account so long as the organization of party was kept up, and so long as the Leaders on both sides of the House conducted the battle; but when that party organization fell to pieces, and questions arose on the Motions of other private Members—and he thought that the hon. and learned Member for the Tower Hamlets had taken on himself those functions which he was now so indignant that a private Member should assume—he had hoped that he should not be accused of presumption in having brought forward to the best of his ability a scheme of re-distribution. One portion of it was carried by a vast majority. The next portion was supported by such speeches as had been

delivered by the right hon. Member for South Lancashire and the noble Lord the Member for Stamford, and the result of the division showed that the numbers were almost balanced. If any Liberal Member thought to justify his vote on account of his (Mr. Laing's) presumption, he left that Liberal Member to his own reflections and his own constituents.

MR. AYRTON said, that the hon. Member had ascribed to him remarks he had never made. He never objected to a private Member making a Motion. What he objected to was a Motion made in a narrow and illiberal spirit. If it had been moved in a spirit of justice, he should have been as ready to support it as any one.

MR. GOSCHEN said, he hoped it would be understood that in assenting to the present clause for enfranchising certain boroughs the Committee was not bound to the re-distribution scheme of the Government.

Clause, as amended, *agreed to*.

Clause 11 (Registers of Voters to be formed for new Boroughs,) *agreed to*.

Clause 12 (Division of the Tower Hamlets).

THE CHANCELLOR OF THE EXCHEQUER moved that Merthyr Tydvil and Salford should at and after the next election each return two Members instead of one.

MR. CHEETHAM said, he thanked the right hon. Gentleman for having done justice to the borough which he had the honour to represent.

MR. DILLWYN said, he could not echo the words just spoken by his hon. Friend. He thought the Chancellor of the Exchequer ought to have included in this Amendment the borough of Swansea. He was afraid there was now no chance of inducing the right hon. Gentleman to alter his scheme.

MR. POWELL said, he regretted that the boroughs of Swansea and Birkenhead were not included in this Amendment. But as he had experience of Birkenhead and none of Swansea, he would leave the hon. Member for the latter borough to speak in its behalf. With regard to Birkenhead, it was related to Liverpool in pretty much the same way as Salford was related to Manchester, the difference being that the river dividing the two was narrower in one case than in the other. With reference to population, that of Liverpool and Birkenhead was greater by 30,000 than that of Manchester and Salford. He

Mr. Laing

saw no valid reason why Manchester and Salford should have an additional Member, and Liverpool and Birkenhead should remain as they were. Liverpool and Birkenhead would not long remain satisfied with that incongruity and injustice. The active spirit of their countrymen must become very inert if they allowed Arundel with 2,498 inhabitants, Honiton with a population of 3,681, and other boroughs similarly circumstanced to continue to be represented in Parliament.

MR. BRUCE said, he must express his acknowledgments to the Chancellor of the Exchequer for having given Merthyr Tydvil a second Member. His constituents were an intelligent and industrious community, and he felt quite sure they would do no discredit to the House. At the time of the Reform Bill, when it was proposed to give the borough a second Member, the population was 27,000; it had now risen to 96,000. In 1850 the gross estimated rental was £180,000, and in the course of ten years it had grown to £371,000. Within the last twenty years Glamorganshire had grown rapidly in population and wealth, and it seemed only fair that the most flourishing town of that most flourishing county should have been selected for this distinction.

Amendment agreed to.

MR. DILLWYN said, he thought it a great anomaly in our present electoral system that, whereas electors in a borough returning only one Member had but one vote, the electors in a contiguous borough might have two votes and two representatives. He therefore proposed to raise the question in a distinct form that each elector should give only one vote. He did not suppose he had much chance of carrying it; but he should not be doing his duty if he did not bring forward the question in the form of a separate clause. He thought that boroughs returning two Members should be divided into two wards, so that the lowest class of voters to whom the franchise was now being given should not be over-represented. They were transferring power from the middle to the working class. His Amendment would prevent the latter from domineering over the former. This proviso was necessary now that they were going down to manhood suffrage, or something very near it. It was household suffrage nominally they were giving; but it was something far beyond household suffrage. By-and-

by it would come to registered and residential manhood suffrage and the ballot, if not to universal suffrage. He felt that the safety of the Constitution demanded such an Amendment as he had put on the Paper. He begged to move that after the word "Parliament" the following words should be inserted:—"That each elector shall be only entitled to give one vote to one Member."

Amendment negatived.

Clause, as amended, *ordered* to stand part of the Bill.

Clause 13 *agreed to.*

Clause 14 (Divisions of certain Counties).

Amendments made.

On Question, "That the clause, as amended, stand part of the Bill,"

SIR EDWARD DERING said, he wished to ask whether it would be in the power of the Boundary Commissioners to make any changes in the divisions of the counties, and whether, instead of making two divisions of West Kent, each to return two Members, they could make three divisions of the county without changing the number of Members?

THE CHANCELLOR OF THE EXCHEQUER said, that the powers of the Boundary Commission would be described in a clause which he hoped would be in the hands of Members before they commenced their labours to-morrow, and which would also give the names of the Members of the Commission. The Commission would have unlimited power to the extent of dealing with the arrangements in those divisions upon which the Committee had decided. But it would not have power to divide a county, or to make a division which the Committee had not decided upon. In respect of boundaries and the mode in which counties and divisions were to be divided, the Commissioners would have full power.

SIR GEORGE GREY said, a question had been asked by his hon. Friend (Sir Edward Dering) with regard to Kent; but the question before the Committee was not whether it should be divided into two or three districts. That would remain for decision when they came to the Schedule.

MR. DENT said, he wished to ask whether the West Riding of Yorkshire was to be divided into two or three divisions?

MR. GATHORNE HARDY said, that according to the clause before the Com-

mittee, the hon. Member would not be at liberty to move that the Riding should be divided into two divisions with three Members each, because the clause said distinctly that it should be in three divisions with two Members each.

MR. GLADSTONE said, he thought they might meet the case by moving to strike any particular county out of the Schedule. That was the course he intended to pursue with regard to South Lancashire, in relation to which he intended to move that it be divided into two divisions with three Members each.

MR. GATHORNE HARDY: As the Schedule stands each division will be represented by two Members.

SIR HENRY EDWARDS said, the West Riding had already four Liberal Members; what could it want more?

SIR ROUNDELL PALMER said, it was clear that the Committee would not be pledged to include any place whatever in the Schedule, and that it might adopt with regard to the counties two divisions with three Members each instead of the plan proposed.

MR. GATHORNE HARDY said, that might be done by excluding them from the Schedule, but the clause only gave two Members to each division of a county.

MR. LAING: If, Sir, there be a clear understanding that certain counties are to be divided into two, each returning three Members, or into three divisions, each returning two—if it be understood that this is a question which can be raised at a subsequent stage of the Bill, I have no wish to interpose any obstacle; otherwise, I shall feel it to be my duty to move that you report Progress. This is a most important Motion, and it is not for me, as a Scotch Member, to interfere with the distribution of the representatives of the English counties. But a great many Members on both sides of the House hold strong opinions with regard to the representation of English counties, and I do not think it right that they should lose the opportunity of giving expression to that opinion. It is all very well to talk about neglect of duty; but we all know that if a Motion in the House does not approve itself to an hon. Member, it is a common course for him to walk out of the House, and thus avoid the division. Is it competent for me to move that you report Progress?

THE CHAIRMAN: Any hon. Member can move that I report Progress. The

[Committee—Clause 14.]

Question is that Clause 14, as amended, stand part of the Bill.

MR. LAING : I move that you report Progress, and ask leave to sit again.

MR. AYRTON said, that he would not advance his view by reporting Progress, because when the Committee met again precisely the same Question would be put from the Chair. The hon. Member would no doubt find other opportunities of advancing his views, but it would be inconvenient for the Committee to enter into any arrangement with him as to what he should be at liberty to do hereafter.

MR. W. E. FORSTER said, the Committee desired to know in what position they would stand if this clause should be adopted, and he would be glad to have an explanation from the Chancellor of the Exchequer. Would they be at liberty to decide hereafter whether certain counties or divisions of counties should be divided into two divisions with three Members each, instead of three divisions with two Members each? If they could not do that it would be unfair to press them to come to a division that night. He felt it was impossible for him to decide whether the West Riding ought to be divided into two divisions with three Members each, or three divisions with two Members each, because he had had no opportunity for consultation with gentlemen in the West Riding.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that any hon. Member would have power to propose an alteration in the schedules which would be brought under consideration.

THE MARQUESS OF HARTINGTON said, he wished to ask whether it would not be more convenient to discuss the principle involved in this question generally as it was presented in the Motion of the hon. Member (Mr. Laing), rather than discuss each case separately when they came to the schedules?

SIR FRANCIS GOLDSMID said, that this object might be attained by a new clause moved at the end of the Bill, and before they arrived at the schedules.

Motion negatived.

MR. W. E. FORSTER said, he wished to ask whether, accepting the clause as it now stood, with the provision that "in all future Parliaments there shall be two Members to serve for each of the divisions," the Committee would be precluded from making two divisions of counties, each with three Members?

The Chairman

THE CHANCELLOR OF THE EXCHEQUER said, that the acceptance of the clause would be the decision of the Committee as far as it went. If the Committee, by a subsequent decision, should arrive at a conclusion different from that which they had previously come, they would so far shake the result of their previous labours.

SIR GEORGE GREY said, that this new proposal of the Government had been in the hands of hon. Members only since Saturday. It would be quite competent for hon. Gentlemen who disapprove the scheme of the Government to bring up a new clause at a subsequent period and alter the schedules.

Clause agreed to.

Clause 15 (To give a Representative to the University of London).

THE CHANCELLOR OF THE EXCHEQUER said, he moved in line 1 to omit the word "University," in order to insert the word "Universities," with the view of forming one constituency out of the two Universities of London and Durham combined.

Amendment proposed,

In page 6, line 1, after the word "the," to leave out the word "University," in order to insert the word "Universities,"—(Mr. Chancellor of the Exchequer.)

—instead thereof.

MR. CARDWELL said, that as a member of the Senate of the London University, he wished to make an appeal which he hoped would commend itself as fair to the approval of the Committee. From the commencement of the present Session the University of London had the hope held out to it that it would form a constituency in itself. It was only on Thursday last that they were informed that it was proposed to diminish that promise by combining another University with the University of London. The Committee had not received to-night, nor did they receive on Thursday last, a syllable in explanation of the change that had been made. For a change of so much gravity there must be reasons which could be alleged. It was only fair that the Convocation of the University of London should have an opportunity of expressing by petition to the House the opinion they had formed. It would be only reasonable, therefore, to ask that the clause be postponed.

MR. J. GOLDSMID said, he had given notice earlier in the evening that when this Amendment came on for discussion he would move its rejection. He would now ask the right hon. Gentleman to pause before pressing on the Committee the proposal to group the University of London with that of Durham. Last Session there had been all kinds of discussions with respect to the principle of grouping, but no principle could be discovered on which this proposed grouping could be justified. In this case, at least, the argument founded on contiguity failed, for he need hardly ask the right hon. Gentleman whether he knew the distance between the two Universities. If the right hon. Gentleman understood how disagreeable this proposal was, not only to the Liberal graduates, of whom he (Mr. Goldsmid) was one, but also to the Conservative graduates of the University of London, he would surely not feel justified in asking the Committee to adopt it. But there were far graver objections. For the very object and scope of the two Universities were entirely different, nay they were opposed to each other. In Durham there were only about 300 graduates who had passed the necessary examinations, obtained their degrees, and were now members of Convocation. There were about 100 more who might possibly come in under certain conditions. Then there were about 100 who had passed a theological examination of a totally different kind to any by which a degree was elsewhere obtained; and, lastly, there were some 200 *ad eundem* graduates who were excluded by the proposal of the Chancellor of the Exchequer. Into the history of the University of Durham he would not enter; but he could assure the House that the slightest investigation of the subject would show how utterly unsuited would be the combination of institutions so radically stranger to each other. The right hon. Gentleman therefore proposed to add these 400 or 500 graduates of a University, founded on an entirely distinct principle, to those of the University of London, numbering above 2,000, many of whom were highly distinguished members of the learned professions. Nay, the members of the medical profession belonging to the University of London occupied the first position in the world as medical men. To them, then, it would be hardly fair to add gentlemen, who might be highly respectable in their way, but could not for a moment be compared with those graduates of the London Uni-

versity whom he had described. Moreover, the University of London was growing every day, while that of Durham had for years been stationary. And, in the last place, he would say that if the conjunction now proposed should be carried out, the distinct understanding which had been come to with the University of London by so many Governments by the admission of its claims in three successive Reform Bills would be broken, and broken in a most discreditable manner.

MR. MOWBRAY said, it had been asked on what principle it was proposed to associate the Universities of London and Durham. He would answer, upon the principle upon which the Government of last year acted when they proposed to associate the various Scotch Universities. The right hon. Gentleman the Member for South Lancashire (Mr. Gladstone) shook his head; but it was undoubtedly proposed last year to associate Glasgow and Aberdeen, Edinburgh and St. Andrews. His right hon. Friend the Member for the city of Oxford (Mr. Cardwell) must be perfectly aware that the University of Durham possessed the same privileges as the University of London. It was incorporated by Royal Charter, and was in some measure conferring the same benefits upon the population of the North of England as the University of London was conferring on the South. His hon. Friend the Member for Honiton (Mr. Goldsmid) had made some most extraordinary objections to the proposal, and talked of the distance between the Universities. This objection on behalf of the University of London was very singular, seeing that by its own statement it had affiliated to itself no less than fifty colleges in various parts not only of the United Kingdom, but of the British Empire. Not only every College in England, but every University was affiliated with it. ["No!"] The right hon. Member for Calne (Mr. Lowe) said "No;" but the *University Calendar* itself said that "Whereas the University of London, by letters patent, is in connection with the following Universities, that is, the Universities of Oxford, Cambridge," &c. [Mr. Lowe: Not affiliated.] The University of London had Colleges affiliated to it in various parts, not only of Great Britain and Ireland, but of the colonies—as at Sydney and Toronto. Ushaw College, too, five miles from Durham, was affiliated to London University, students educated at that College being sent to graduate there.

How, then, could any objection be taken to this proposal on the ground of distance or any other kind of incongruity? The hon. Gentleman had objected to Durham University because it was an institution in connection with the Church of England; but with what shade of belief or non-belief was not the University of London already in connection? It was connected with the Latitudinarian establishment in Gower Street, with five or six Roman Catholic Colleges in different parts of the kingdom, with Baptist, Wesleyan, and other denominations, and with the London Working Men's College. An institution so comprehensive that he had always thought it ready to embrace every opinion and creed, was the last that should object to being associated with another University. The hon. Gentleman had said that the proposal was disagreeable to the Liberal graduates; but if there was such harmony among Roman Catholic and Dissenting graduates, why should not a Conservative element be introduced? He had described Durham as an effete University compared with the growing prosperity of London University. There had been times when Durham University did not make so much progress as could have been desired, but in the course of the last few years great changes had been made. Every prize, every fellowship and scholarship, was open to merit without distinction of creed. All its degrees, except theological ones, could be taken without any religious test. Its numbers had been increasing during the last few years, and were likely to increase. He believed that Durham University would in the future do its duty in educating the young men of the North of England. As for the small number of its graduates, the smaller the number the less fear there was of their overpowering those of London. [Mr. J. GOLDSMID: What is the number?] The number was about 500, of whom about 300 had received their education there, and, having taken the degrees of D.D., LL.D., M.D., or M.A., were entitled to be members of Convocation. There were many men in an inchoate state, most of them being B.A.'s of sufficient standing to proceed at once to a higher degree. There were about 300 who, educated at other Universities, had been admitted *ad eundem*. The clause provided that persons admitted *ad eundem* should not be entitled to vote. If the right hon. Gentleman (Mr. Lowe) objected to persons admitted *ad eundem*, he should remember that hardly one of the

distinguished men forming the Senate of London University had been educated there. With a young institution this must necessarily be the case, and it was no valid objection either to Durham or London that it included persons educated at other Universities. He could see no valid ground of objection to the proposal, and hoped therefore the Committee would assent to it.

MR. J. GOLDSMID said, that he had not objected to Durham University on the ground of its Church of England character.

MR. LOWE: Having the honour to be a member of the Senate of the University of London, and having also been one of the Commissioners appointed some years ago to inquire into the state of Durham University, I am sorry that this proposal has come before us so suddenly, as I should otherwise have been able to furnish the Committee with fuller and more accurate information than I can now do. The Government have not thought fit to lay any reason for it before us, and it has come upon us without any time for preparation. I think, however, I can state enough to show why this ill-omened union should not be carried into effect. As to the University of London, it does not give instruction at all. It simply matriculates students and lays down a certain curriculum, and when they have accomplished that it examines them and gives degrees according to merit. It has hardly any endowments. Its whole merit consists in the reputation its degrees may obtain, that reputation depending, of course, on the impartiality and fairness with which its examinations are conducted, and the high standard which they maintain. It is comparatively a new institution, not having, I think, existed in its present state much above twenty-five years. As the right hon. Gentleman has stated, persons in all parts of the world are affiliated to it, but it has not affiliated itself to any institution. That would be a contradiction in terms to its scope and objects. That, Sir, is the history of the University of London. In the course of the time its operations have been carried on, it has conferred degrees upon nearly 2,000 graduates, gentlemen distinguished in every branch of science on which the University examines, more especially in the medical profession. So excellent, indeed, are its examinations, and so highly are its degrees esteemed in the medical profession, that gentlemen who have studied in other Universities, and

who are entitled to graduate there, will come up to the University of London to take degrees on account of the honour which attaches to such degrees. I have said enough to show the Government were not wrong in originally proposing to give London University a Member. What is the case with the University of Durham? I hardly know what arguments to meet, for I have really heard none why it should be linked with the London University. In the first place, the two institutions are totally different. The University of Durham was founded—I do not make it a matter of reproach—under the auspices and in a great measure out of the funds of the Dean and Chapter, and it is under their control. It is an institution for the purposes of the Church of England, and it comprehends Colleges and Halls after the pattern of the Colleges and Halls in the Universities of Oxford and Cambridge. No two institutions can be more different in their origin and objects, and in every other respect, than the two in question. So also has their destiny been different. The University of London has cost the country very little money, and has accomplished enormous results not merely in England but all over the world. It is, I believe, only in the infancy of a career which promises to be as brilliant as that of any other educational institution on record. As for the University of Durham, it has been in operation about the same length of time, and it has large endowments from the Dean and Chapter. But while London, with no endowments, has something like 2,000 graduates, Durham, with all its endowments, has 300. We examined into the state of the University of Durham, and a more painful state of things was never disclosed. It was better fitted for the Insolvent Court than for representation in this House. A property qualification was the last thing that could have been demanded of it. We found that it could not pay its way. With all its endowments and all the money lavished upon it, it was in the most melancholy and deplorable state. It had then about thirty students, hardly enough to fill the scholarships and fellowships. The cause of all this was the extreme badness of its management, and its violation of sound principles in every respect. Nothing was open to competition, everything was jobbed in some way or other. Someone had the gift of one fellowship and someone else of another, and others were limited to certain parishes or

counties. Everything that the House and the country have pronounced unsound and erroneous in education found a home and a nest, and was cherished there. The whole thing was carried on upon rotten and unsound principles from beginning to end, and it met the failure and ruin which those principles deservedly brought upon it. That is the state of things in which we found it three or four years ago. The Dean and Chapter, by taking a legal objection to our powers, prevented us from carrying out the changes we suggested, but I believe they have since adopted many of them. I suppose they did not like us to have the credit of them, but if they have carried them out I am glad of it. We now hear that it has improved, but to what extent I know not. I protest, however, against such an insult being offered to the University of London as that of being united with the University of Durham. No reason whatever has been given for it. Its numbers are trifling in comparison, and the two institutions are entirely different in their management and in their results. I hope that considering the number of persons on behalf of whom I speak—the highly intelligent and admirable class of men to whom the University of London has been the means of giving degrees—the Government will see fit to withdraw this proposal, which I think must have been made rather to satisfy some importunate claimants than with any expectation of its adoption by the Committee. It has been made a matter of reproach to the University of London that certain Members of this House are on the Senate. I think, however, it is no reproach at all that it numbers among its constituency the gentlemen of the Senate. The success of our operations is the best proof that we are not undeserving of the honour of having votes. The right hon. Gentleman the Chancellor of the Exchequer is well aware that I speak the sentiments of a large and influential body. Imperfect as my statement has been, I trust it will be sufficient to induce him to withdraw his Motion, and leave the University of London in sole possession of one Member.

MR. LIDDELL said, he also had had the honour of sitting on the Commission which inquired into the state of the University of Durham. The right hon. Gentleman had taken a very unfair advantage of the position which he occupied as a Member of that Commission in describing the University of Durham in the terms he had just made use of.

[Committee—Clause 15.]

MR. LOWE: I beg the hon. Gentleman's pardon. The proceedings were all published and laid before Parliament.

MR. LIDDELL admitted that was so, and he was willing to leave it to the public sense of fairness to judge on the Report which was issued, and on the improvements since made, whether the statement of the right hon. Gentleman was, or was not, over-coloured. He admitted that at the time it sat the Commission found the financial position and the general condition of the University of Durham to be unsatisfactory. But the point at issue was not what was the position of the University of Durham then, but what it was at the present time. The authorities had followed the advice given by the Commission, and had carried out almost to the letter its recommendations. The consequence was that the condition of the University had materially improved. It was on that ground that the University now asked, not any great favour, but simply to be affiliated with another University for the purpose of having a share in returning a Member to that House. He was not going to enter into the question whether Durham had any superior claim; but he did not know why Durham should be the only University in the United Kingdom left unrepresented. Since the recent improvements the constitution of that University was as liberal as — if not more so than — that of any University in the kingdom. It was a small University, and perhaps had not the same means of extending its advantages as some of the other Universities. But it was situated in a part of the country which stood in great need of academical education, and was admirably adapted to supply a great public want. It was rapidly extending its benefits in the North of England. It was therefore only fair that its progress should not be wholly ignored by that House. As a Member of the Commission, and a North country representative, he felt bound to say that the remarks of the right hon. Gentleman were not justly applicable to the position of the University of Durham at the present time.

MR. HEADLAM said, that he had received a great many communications on this subject from the North of England. He could assure the House that there were a considerable number of persons connected with the University of Durham who would feel that they were unfairly treated if the claims of that University were disregarded on the present occasion. Rightly or

Mr. Liddell

wrongly, they thought they had a reasonable claim to participate in the franchise. He believed it was true that when the Commission sat the University was in a bad state and much reduced in numbers. But within his own knowledge great activity had been displayed by the authorities during the last two or three years, and great improvements had been effected. At Newcastle there was an excellent medical school in connection with the University. He knew no reason why this institution should not be represented equally with the University of London. He should leave the case of this University to the candid consideration of the House; but he must express his belief that at the present time very strenuous efforts were being made to make it a seat of learning worthy of the North of England.

MR. INGHAM said, that while admitting that at the time of the Commission on which he served the University of Durham had fallen into a state approaching to decay, he must point out that since then the main improvements recommended by the Commission had been carried out. The authorities had so arranged the finances as to lessen the expense of education. They had thrown open the scholarships to competitive examination. They did not require religious tests, except in the case of theological students. Very valuable classes had been established for instruction in engineering. At the present time it was full of promise, and fairly entitled to have a share in Parliamentary representation. The 300 graduates of Durham, even if, as was most improbable, they should be unanimous, would not be able to override the graduates of the University of London. Most likely they would agree in fixing their choice on the same person. If the two Universities were allowed to return a Member in conjunction with each other, it would be a fitting recognition of Durham University, and would in no degree affect the claims of the University of London.

MR. GRANT DUFF objected to the union between London and Durham Universities, because it was absurd to join two things which had not the remotest affinity for each other. They were both called Universities, but that was all. They were totally different in their character. You might as well talk of joining Tattersall's and the Inns of Court. If Durham really stood in urgent need of representation, it would be far less unreasonable to

join it to one or other of the two ancient Universities.

Question put, "That the word 'University,' stand part of the Clause."

The Committee *divided*:—Ayes 169 ; Noes 183 : Majority 14.

Question proposed, "That the word 'Universities' be there inserted."

MR. LOWE : This matter has come upon us all totally unprepared. There is a great deal more to be said about the matter. The Government have not thought it worth while to state any reason for this proposal. We went to a division without hearing a word from the Chancellor of the Exchequer. No Member of the Cabinet has said a word on the subject. We have heard no one on the point except the local Members. The University of London has been led to hope up to Thursday last that it would have the privilege of returning a Member. It is now proposed to be taken from them before they have time to make their case known. No Gentleman when he entered the House had the least idea that we should reach this clause to-night. We have made double the progress made on any other night. Under these circumstances, considering the magnitude of the interests at stake—"Oh!" It does not matter to hon. Gentlemen, perhaps, nor to me, but to the University of London it is a most serious matter. The House is dealing with a large and intelligent body. It is therefore only a matter of decency to allow them some delay. As we cannot extract a word from Her Majesty's Government—as we are only allowed to argue and say what we will, and then go to a division, I move, Sir, that you report Progress, in order that the University of London may have time to make its case heard, and the House may have time to obtain information.

THE CHANCELLOR OF THE EXCHEQUER : The right hon. Gentleman complains that no Member of the Cabinet has spoken in defence of this Amendment ; but several Gentlemen have made speeches in the course of this discussion. Seven hon. Members have spoken, five of whom were in favour of the Amendment, and some of these addressed the Committee from the Benches opposite. Under those circumstances, as there was a full Committee, and as two-thirds of those who took part in the debate were in favour of the Amendment of the Government, it seemed to be

surplusage on our part to rise in defence of a proposal which was not attacked. The right hon. Gentleman was very fervid, but his speech applied to a state of circumstances which does not exist. It was a specimen of eloquent prejudice. I am perfectly prepared to support this proposal if necessary ; but what the right hon. Gentleman wants now is that we should stop all the proceedings of the Committee until the London University has prepared its case. The London University ought to have done that before. The right hon. Gentleman has said that the London University is treated very ill because it has been led to believe that it was going to have a Member all to itself and has lost it. But that has happened to the London University for years. In 1859 I brought in a Bill myself in which it was proposed to give a Member to London University. What happened ? The right hon. Gentleman voted against my Bill, and prevented the London University from that time to the present from having a Member. He says it is a very strange proposal, but it is in harmony with the customs of the country. This connection between Universities has existed before. The London University is not covered with the reverent dust of antiquity, and new institutions are more susceptible than ancient ones. Yet the London University would, I think, have shown more generosity if it had welcomed its younger brother. [An hon. MEMBER : Durham is the older University.] Then it is another instance of the hatred of the younger brother towards the elder. The University of Durham has purified itself from those matters of complaint that have been dwelt upon. Considering the circumstances of the visit of the right hon. Gentleman, it is rather ungrateful on his part not to show himself more sensible of the value of his labours and the manner in which they were received. The University of Durham admits its graduates without religious tests, and the abuses in its administration have been removed. What harm therefore can occur from a body of graduates in the North of England, belonging to a University, having a Royal Charter, being connected with the London University in the privilege of being represented in the House of Commons. The feeling of the Committee in favour of the proposal of the Government has been shown in a signal manner, while the proposal of the right hon. Gentleman seems to be intended to lead to indefinite delay. I want to know

if it is agreed to what will happen when we meet at two o'clock to-morrow. Will the London University be prepared to meet this question by counsel? When so distinguished a man as the right hon. Gentleman, a member of the Senate of the London University, who knows their case by heart, attempts to make us believe that we are called upon this evening, without due notice, to discuss an Amendment which has been a long time on the Paper, do the Committee think that a better case can be made out for the London University? If not, why should we delay proceeding with our labours when the plea for delay is of so indefinite a character as that put forth by the right hon. Gentleman? For these reasons I must oppose the Motion to report Progress.

MR. J. GOLDSMID said, that the argument of the Chancellor of the Exchequer that the University of London ought to have been prepared with a case was answered by the fact that no such ill-omened conjunction as that now proposed had ever been thought of until Thursday last, and that the House never saw it in schedule until Saturday.

MR. GLADSTONE said, he thought that his right hon. Friend (Mr. Lowe) had a strong claim upon the Government to agree to his Motion, and that they would lose nothing by reporting Progress. This would give the University of London time to consider the course they should adopt.

THE CHANCELLOR OF THE EXCHEQUER: I gave public notice of our intention to unite the University of London with that of Durham on Thursday last.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Lowe.)

The Committee divided:—Ayes 114; Noes 196: Majority 82.

Question again proposed, "That the word 'Universities' be there inserted."

MR. GRANT DUFF said, that he was extremely sorry to be obstructive, but that his duty to the London University compelled him to move that the Chairman do leave the Chair.

Motion *negatived*.

MR. WEGUELIN moved that the Chairman report Progress.

LORD ELCHO said, it was not an edifying sight to see Liberal Members and

The Chancellor of the Exchequer

right hon. Gentlemen on that side of the House endeavouring to stop the progress of the Bill.

MR. DENMAN said, that the noble Lord had taken upon himself to deliver a lecture to the Liberal Members, and to pronounce who were Liberals and who were not. If the question was put in that way he could not consent to give way, though until the noble Lord interfered he had been inclined to give way to the natural desire of the Government to carry their Bill. He thought it very natural that the right hon. Gentleman should wish to make progress with the Bill, and he had offered no obstruction to the wishes of the Government. He had therefore abstained from addressing the Committee on the proposal now before it. Still, this was a subject on which he entertained a very strong opinion, and he could not help saying that the course proposed—of coupling two Universities so opposed in their character—was one of a most ridiculous nature. The University of Durham was a little wretched, miserable University, and in his opinion, not worthy to be associated with the University of London. He put it to the common sense of the House whether it was right to tie two Universities together, and throw them into the Tiber in this way. It was turning a boon into an insult. The University of London ought, he thought, to have time to pronounce an opinion whether it would not rather bide its time until Parliament came to its senses than have the University of Durham thus tied round its neck. As a Liberal Member, he could not allow to pass unchallenged the remark of the noble Lord who, though sitting on that side of the House, was in the habit of walking over on all occasions to support the Government.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Member who last addressed the Committee appeared to speak with authority on behalf of the London University, and he understood from him that that Institution withdrew its claim to Parliamentary representation. If time was required to ascertain whether the London University withdrew its claim or not, he should certainly not resist the Motion to report Progress. There were many competitors for the privilege which the hon. and learned Member, speaking for that Institution, did not seem much to appreciate. Therefore, he would at once assent to that Motion for the convenience of hon. Members on both sides. If the

manners of the London University were to be judged of by the specimens of courtesy they had had from hon. Gentlemen opposite, the union of that Institution with the University of Durham might possibly effect some amelioration in that respect.

MR. DENMAN said, that he had no authority whatever to speak for the University of London, nor any connection with it, nor had he said anything to that effect.

SIR MATTHEW RIDLEY said, he must complain of the language used by the hon. and learned Member in reference to Durham University. He should have prepared his case better before he stigmatized Durham University as a wretched, miserable little body.

MR. J. GOLDSMID said, he protested against the manner in which the Leader of the House had stigmatized hon. Gentlemen on that (the Opposition) side, and especially some young Members. He also thought it unfair on the part of the noble Lord, who on every occasion voted against the Liberal party [Lord ELCHO: When they try to prevent the passing of this Bill], to speak of that party in the positive terms he had done. He trusted that the Committee would return to its better sense to-morrow, and not treat unjustly a constituency which he believed would do the House great honour.

SIR HEDWORTH WILLIAMSON said, he did not know what Liberalism had to do with the matter; but if Durham University was what it had been described to be, the best course that could be taken would be to associate it with so enlightened a body as the University of London.

Motion agreed to.

House resumed.

Committee report Progress; to sit again To-morrow at Two of the clock.

SIR JOHN PORT'S CHARITY BILL.

Select Committee on Sir John Port's Charity Bill *nominated*:—MR. PAGET, MR. COLVILE, MR. DENMAN, MR. LOWE, MR. EVANS, MR. HENLEY, and LORD ROBERT MONTAGU:—Power to send for persons, papers, and records; Five to be the quorum.

Ordered, That all Petitions presented during the present Session against the Bill be referred to the Committee, and such of the Petitioners as pray to be heard by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions.

House adjourned at half
after One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES, VOLUME CLXXXVII.

THIRD VOLUME OF THE SESSION 1867.

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When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Observations, Mr. Herbert ; Reply, Sir John Pakington *June 6, 1671*

Amendt. on Committee of Supply *June 6*, To leave out from "That," and add "in the opinion of this House, no order should exist which has for its object the exclusion of Irishmen from Her Majesty's Regiments of Foot Guards" (*Mr. Herbert*), 1671 ; Question, "That the words, &c.," after debate, Amendt. withdrawn

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Amendt. on Committee of Supply *June 13*, To leave out from "That," and add "a Select Committee be appointed to consider the present state and condition of the Ordnance Department" (*Mr. Henry Baillie*), 1785 ; Question, "That the words, &c.," after long debate, Amendt. withdrawn

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Amendt. on Committee of Supply *May 16*, To leave out from "That," and add "the terms of the service into which they are about to enter should be fully explained to all Recruits before Enlistment ; and that having regard to the success which has attended the system of Training Schools for the Navy it is desirable to give trial to a similar plan for obtaining Recruits for the Army" (*Mr. Whitbread*), 672 ; Question, "That the words, &c.," after debate, Amendt. withdrawn

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Army—Staff Appointments—cont.

sive [and other particulars]" (*Sir Patrick O'Brien*), 1430 ; Question, "That the words, &c.," after short debate, Amendt. withdrawn

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(*Sir J. Pakington, Mr. Hunt, Sir J. Fergusson*)

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Read 2^o *May 20*

Committee * ; Report *May 21*

Read 3^o *May 23*

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(*Sir J. Pakington, Mr. Hunt, Sir J. Fergusson*)

c. Ordered ; read 1^o *May 13* [Bill 148]

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Sale of Land by Auction, Comm. cl. 5, 920 ; cl. 6, 922

Statute Law Consolidation, Motion for an Address, 1595

Statute Law, Revision of the, 89

Attorneys, &c. Certificate Duty Bill

(*Mr. Denman, Mr. Vance, Sir John Ogilvy*)

c. Adjourned Debate [2nd April], "That the Bill be now read 2^o," resumed *May 29, 1283*

Moved, "That the Debate be now adjourned" (*Mr. Bentinck*) ; A. 91, N. 132 ; M. 41 ; after short debate, Debate further adjourned

Read 2^o * *May 31* [Bill 53]

AYRTON, Mr. A. S., Tower Hamlets

Army Estimates—Military Education, 1719

Attorneys, &c. Certificate Duty, 2R. 1283

Bankruptcy Acts Repeal, Comm. 1581 ; Amendt. 1765, 1774

Courts of Law, &c. (Salaries and Expenses), 1666

Ecclesiastical Titles and Roman Catholic Relief Acts, Comm. 1365

Malt Tax, Motion for a Committee, 556

Metropolis Gas, Consid. Amendt. 185, 362

Municipal Corporations (Metropolis), Leave, 885

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Railway Companies, Consid. cl. 4, 1725, 1726

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AYRTON, Mr. A. S.—*cont.*

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Sale of Land by Auction, Comm. *cl.* 5, Amendt. 920; *cl.* 6, 922
Supply—Salaries, &c. of Offices of Houses of Parliament, 853;—University of London, 1469

AYTOUN, Mr. R. S., *Kirkcaldy*

Army—Inspectors of Volunteer Artillery, 1698
Luxemburg, Grand Duchy of, 1915
National Debt Acts, 2R. 662
Representation of the People, Comm. *cl.* 10, 1975, 1977

BAGGE, Sir W., *Norfolk, W.*

Cattle Plague in the Metropolis, 1291

BAGWELL, Mr. J., *Clonmel*

Army—Exclusion of Irishmen from the Foot Guards, Res. 1677

BAILLIE, Rt. Hon. H. J., *Inverness-shire*

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BAINES, Mr. E., *Leeds*

Representation of the People, Comm. *cl.* 10, 1947

BANDON, Earl of

Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 1121
Offices and Oaths, 2R. 1379

Bankruptcy Acts Repeal Bill

(*Mr. Attorney General, Mr. Secretary Walpole, Mr. Solicitor General*)

c. Committee (*on re-comm.*); Moved, "That Mr. Speaker do now leave the Chair" June 4, 1556; after long debate, Committee deferred [Bill 133]

Debate resumed June 7, 1765

Amendt. to leave out from "That," and insert other words (*Mr. Ayrton*); after short debate, Question, "That the words, &c.," put, and agreed to; Bill considered in Committee; Committee—R.P.

Bankruptcy Bill

(*Mr. Attorney General, Mr. Secretary Walpole, Mr. Solicitor General*)

c. Committee* (*on re-comm.*)—R.P. June 7 [Bill 131]

Banns of Matrimony Bill

(*Mr. Monk, Sir Michael Hicks-Beach*)

c. Question, Mr. Monk; Answer, Mr. Walpole May 6, 4

Ordered; read 1^o * May 9 [Bill 141]

BARNETT, Mr. H., *Woodstock*

Bankruptcy Acts Repeal, Comm. 1771

BARRON, Sir H. W., *Waterford City*

Ireland—Importation of Cattle, 1022, 1023
Sea Coast Fisheries (Ireland), Comm. Amendt. 211

BARROW, Mr. W. H., *Nottinghamshire, S.*

Malt Tax, Motion for a Committee, 551
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Vaccination, Comm. 1870, 1874, 1875

BARRY, Mr. Serjeant C. R., *Dungarvan*

Charitable Donations and Bequests (Ireland), Comm. 377
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Grand Juries (Ireland), 2R. 597

BARTELOT, Colonel W. B., *Sussex, W.*

Cattle Plague—Importation of Cattle into London, 1295
Malt Tax, Motion for a Committee, 526, 556
Vaccination, 776; Comm. 1873

BASS, Mr. M. T., *Derby*

Navy—Corporal Punishment of Naval Cadets, 1490
Representation of the People, Comm. *cl.* 3, 719; *cl.* 4, 847

BATESON, Sir T., *Devizes*

Representation of the People, Comm. *cl.* 9, 1428

BATH, Marquess of

Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 1122

BAXTER, Mr. W. E., *Montrose, &c.*

Hypothec Amendment (Scotland), 2R. 194
Representation of the People, Comm. *cl.* 8, 1301; Amendt. 1329
Representation of the People (Scotland), Leave, 414, 1023
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BAZLEY, Mr. T., *Manchester*

India—Medical Retirement Funds, 389
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BEACH, Sir M. E. HICKS-, *Gloucestershire, E.*

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BEACH, Mr. W. W. B., *Hampshire, N.*
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BERKELEY, Hon. F. H. F., *Bristol*
Corrupt Practices at Elections, Comm. 64
Navy Estimates—Coast Guard Service, &c.
1835

BERNERS, Lord
Contagious Diseases (Animals), 2R. 872 ; Comm.
cl. 31, 1550

Blackwater Bridge Bill
(*Mr. Dodson, Lord Naas, Mr. Hunt*)
c. Ordered * *May* 14
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BLAKE, Mr. J. A., *Waterford City*
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Ireland—Petition on Fenianism, Res. 1901,
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BRETT, Mr. W. B., *Helston*
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468, 737

Bridges (Ireland) Bill
(*Mr. Solicitor General for Ireland, Lord Naas*)
c. Committee * ; Report *May* 9 [Bill 140]
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Committee * (*on re-comm.*) ; Report *June* 7
Considered as amended * *June* 17 [Bill 195]

BRIDGES, Sir B. W., *Kent, E.*
Ecclesiastical Titles and Roman Catholic Relief
Acts, Comm. Motion for Adjournment, 1364
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cl. 8, 1297, 1315, 1324, 1342 ; *cl.* 9, 1544 ;
cl. 10, 1949, 1951, 1952

British Spirits Bill
(*Mr. Dodson, Mr. Hunt, Mr. Chancellor of the
Exchequer*)
c. Committee * ; Report *May* 13 [Bill 135]
Considered as amended * *May* 14
Read 3^o * *May* 16
l. Read 1st * (*The Earl of Devon*) *May* 17
Read 2nd * *May* 24 (No. 103)
Committee * Report *May* 27
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Royal Assent *June* 17 [30 Vict. c. 27]

British White Herring Fishery Bill*(The Duke of Richmond)*l. Committee * *May* 23 (No. 80)Report * *May* 24Read 3^a * *May* 27c. Read 1^o * *May* 23 [Bill 173]Read 2^o * *June* 6**BROMLEY Mr. W. DAVENPORT-*Warwickshire, N.***

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Ireland—Drainage Improvements, 387, 389

Brown's Charity Bill*(Lord Robert Montagu, Mr. Adderley)*c. Ordered; read 1^o * *May* 9 [Bill 142]Bill withdrawn * *June* 3**Brown's Charity Bill [H.L.]***(The Lord President)*l. Presented; read 1^a * *June* 6 (No. 143)**BRUCE, Right Hon. Lord E. A. C. B. *Marlborough***

Theatres, Regulation of, 1938

BRUCE, Rt. Hon. H. A., *Merthyr Tydvil*

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BRUCE, Sir H. H., *Coleraine*

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BRUCE, Mr. C. L. CUMMING-, *Elgin & Nairnshire*

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Bunhill Fields Burial Ground Bill*(Mr. Crawford, Mr. Goschen, Sir Morton Peto,**Mr. Remington Mills)*c. Read 2^o * *May* 9 [Bill 107]Committee *; Report *May* 14Considered as amended * *May* 16Read 3^o * *May* 17l. Read 1^a * *(The Earl of Shaftesbury) May* 20Read 2^a, after debate *June* 3, 1477 (No. 105)**BUTLER, Mr. C. S., *Tower Hamlets***

Mexico—State of, 1495

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BUXTON, Sir-T. F., *King's Lynn*

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CAMBRIDGE, Duke of (Field Marshal Commanding-in-Chief)

Army—Cavalry Barracks, Knightsbridge, 1472, 1475

CANDLISH, Mr. J., *Sunderland*

Army Estimates—Miscellaneous Services, Amendt. 1720

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Increase of the Episcopate, 2R. 82; Comm. *add.* cl. 384; cl. 11, 387, 762; cl. 13, 1194; *add.* cl. 1195; Report, cl. 2, 1479; cl. 13, 1485**Cape of Good Hope**Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that Her Majesty's Forces be not withdrawn from the Cape of Good Hope" *(Mr. Vanderbyl) June* 4, 1596; after short debate, Motion withdrawn

CARDIGAN, Earl of

Hyde Park, Meeting in, Motion for an Address, 251

CARDWELL, Right Hon. E., Oxford City

Cape of Good Hope, Motion for an Address, 1602

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Lord Robert Montagu *May* 27, 1129;

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Robert Montagu *May* 30, 1295

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Henry Winston-Barron; Answer, Lord Naas

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Montagu *May* 6, 6; Question, Mr. Mitford;

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Railway Bills—Standing Orders, Res. 1656

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CAVE, Mr. T., Barnstaple

National Debt Acts, 2R. 658

CAVENDISH, Lord E., Sussex E.

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CHAMBERS, Mr. T., Marylebone

Navy Estimates—Dockyards, &c. 1842

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County Courts Acts Amendment, 2R. 1384,

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Charitable Donations and Bequests (Ireland Bill) (*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland*)

c. Committee May 10, 377 [Bill 49]
Committee*; Report June 7

Chatham and Sheerness Stipendiary Magistrates Bill (*The Earl of Belmore*)

1. Presented; read 1st June 6 (No. 142)

CHATTERTON, Mr. H. E. (Attorney General for Ireland), *Dublin University*
Charitable Donations and Bequests (Ireland), Comm. 377

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Chester Courts Bill

(*The Lord De Tabley*)

1. Read 2nd June 4 (No. 77)
Committee* June 6; Report* June 7
Read 3rd June 17 (No. 145)
Royal Assent July 15 [30 & 31 Vict. c. 36]

CHICHESTER, Earl of

Increase of the Episcopate, Comm. *cl.* 1, 380; Amendt. 382

CHILDERS, Mr. H. C. E., Pontefract

Army Estimates—Works, Buildings, &c. 1712, 1713; —Barrack Establishment, 1749, 1750; —Hospital Establishment, 1750

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Christ Church Ordinances (Oxford) Bill

(*Sir Roundell Palmer, Mr. Chichester Fortescue, Mr. William Henry Gladstone*)

c. Ordered; read 1st June 6 [Bill 190]
Read 2nd June 13

Church of England

The Royal Commission on Ritual, Question, Mr. Darby Griffith; Answer, Mr. Gathorne Hardy June 3, 1489; Question, Mr. Foljambe; Answer, Mr. Gathorne Hardy June 6, 1664

Clerical Vestments—The Royal Commission, Question, The Archbishop of Canterbury; Answer, The Earl of Derby May 7, 72

Publication of the Banns of Matrimony, Question, Mr. Monk; Answer, Mr. Walpole May 6, 4

Church of England in Ireland

Question, Mr. Lefroy; Answer, Sir John Gray May 6, 6

Moved, "That this House will, on Wednesday the 29th day of this Instant May, resolve itself into a Committee to consider the Temporalities and Privileges of the Established Church in Ireland" (*Sir John Gray*) May 7, 96; after long debate, Previous Question (*Sir F. Heygate*) put; A. 183, N. 195; M. 12; Division List, 182

Church of England in the Colonies

Colonial Bishops, Question, Mr. Cardwell; Answer, Mr. Adderley May 9, 256

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Church of England in the Colonies—cont.

Colonial Church, Question, Lord Lyttelton;
Answer, The Duke of Buckingham May 20,
761

(See *Ecclesiastical Commissioners*)

Church Rates Abolition Bill

(*Mr. Hardcastle, Mr. Baines, Mr. Trevelyan*)

c. Committee May 8, 207 [Bill 13]

Committee—R.P.

Churchward, Mr., Case of

Question, Mr. Taylor; Answer, Mr. Gathorne
Hardy June 14, 190

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tinuance (No. 2), 2R. 1119

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CLAY, Mr. J., Kingston-upon-Hull

Municipal Corporations Charities, 2R. 210

Representation of the People, Comm. cl. 3,
26, 743

Clerical Vestments (No. 2) Bill [H.L.]

(*The Earl of Shaftesbury*) (No. 72)

l. Moved “That the Bill be now read 2^a”
May 14, 478

After short debate, Moved, “That the further
debate on the said Motion be adjourned to
this day two months” (*The Archbishop of
Canterbury*); on Question? Cont. 61, Not-
Cont. 46; M. 15; Division List, 522

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Standing Orders—Railway Deposits, 1554

*Clifton-on-Dunsmore Plot Rents—Charity
Commissioners*

Question, Sir Robert Peel; Answer, Lord
Robert Montagu May 10, 372; Question,
Sir Robert Peel; Answer, Lord Robert
Montagu May 20, 772

CLIVE, Mr. G., Hereford

Master and Servant, 2R. 1604

COCHRANE, Mr. A. D. R. W. Baillie, Honiton

Hypothec Abolition (Scotland), 2R. 194

Ireland—Petition on Fenianism, Res. 1890,
1902

Luxemburg, Grand Duchy of, 1913

Representation of the People, Comm. cl. 3,
808; cl. 9, 1400

Representation of the People (Scotland), Leave,
417

COGAN, Right Hon. W. H. F., Kildare Co.

Army—Exclusion of Irishmen from the Foot

Guards, Res. 1681

Ecclesiastical Titles Act Repeal, 2R. 573

Ireland—The Salters’ Company—Magherafelt
Roman Catholic Church, Motion for an Ad-
dress, 892

COLEBROOKE, Sir T. E., Lanarkshire

India—Maharajah of Mysore, 1055

Representation of the People, Comm. cl. 4,
847; Amendt. 999, 1002, 1010; Amendt. 1151

Representation of the People (Scotland), Leave,
421

COLERIDGE, Mr. J. D., Exeter

Municipal Corporations Charities, 2R. 209

Tests Abolition (Oxford and Cambridge), 213

COLLIER, Sir R. P., Plymouth

Corrupt Practices at Elections, Comm. Amendt.
56

Representation of the People, Comm. cl. 3,
22, 50, 700, 736; cl. 4, 998; cl. 34, 1179

Colonial Bishops Bill [H.L.]

(*The Duke of Buckingham and Chandos*)

l. Presented; read 1^a * June 7 (No. 153)

COLVILLE, Mr. C. R., Derbyshire, S.

Clerks to Justices, 1021

Representation of the People, Comm. cl. 4,
Amendt. 845, 1174

Commons Inclosure Act Amendment Bill

(*Mr. Neate, Mr. Pollard-Urquhart*)

c. Ordered; read 1^a * May 14 [Bill 151]

CONOLLY, Mr. T., Donegal Co.

Habeas Corpus Suspension (Ireland) Act Con-
tinuance (No. 2), 2R. 989

Consecration and Ordination Fees Bill

[H.L.] (*The Archbishop of Canterbury*)

l. Presented; read 1^a * June 7 (No. 148)

Consecration of Churchyards Bill [H.L.]

(*The Lord Redesdale*)

l. Moved, “That the Bill be now read 2^a” May 24,
1016 (No. 15)

After short debate; on Question? Cont. 53,
Not-Cont. 12; M. 41; Division List, 1019;
Bill read 2^a

After short debate, Order for Committee dis-
charged June 6, 1649

Consecration of Churchyards (No. 2) Bill

[H.L.] (*The Lord Bishop of Oxford*)

l. Presented; read 1^a * June 6 (No. 144)

Consolidated Fund (£14,000,000) Bill

c. Ordered; read 1^a * May 28

Read 2^a * May 30

Committee*; Report June 3

Read 3^a * June 4

Consolidated Fund (£14,000,000) Bill—cont.

- l. Read 1^a* (*The Earl of Devon*) *June 4*
 Read 2^a* *June 6*
 Read 3^a* *June 7*
 Royal Assent *June 17* [30 *Vict. c. 80*]

Contagious Diseases (Animals) Bill [H.L.]
(*The Lord President*)

- l. Presented; read 1^a* *May 14* (No. 98)
 Read 2^a, after short debate, and referred to a Select Committee; List of the Committee *May 21, 873*
 Report from Select Comm. *May 31* (No. 121)
 Bill reported *May 31, 1368* (No. 122)
 Committee *June 4, 1549* (No. 139)
 Report* *June 6*
 Read 3^a* *June 7*
 c. Read 1^a* *June 7* [Bill 196]

CORRANCE, Mr. F. S., Suffolk, E.

Cattle Plague—Importation of Foreign Cattle, 878, 879

Malt Tax, Motion for a Committee, 545

- * Representation of the People, Comm. cl. 4, 1168

Corrupt Practices at Elections Bill

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Mr. Hunt*) [Bill 119]

- c. Committee; Moved, "That Mr. Speaker do now leave the Chair" *May 6, 56*
 Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (*Sir Robert Collier*) *May 6*
 After short debate, Question, "That the words, &c.," negatived; Bill committed to a Select Committee; List of the Committee, 66
Salaries and Expenses, Considered in Committee *May 6, 71*; Resolution

CORRY, Right Hon. H. T. L. (First Lord of the Admiralty), Tyrone Co.

African Slave Trade, 614

Loss of Life at Sea, 1128

Navy Estimates — Coast Guard Service, &c. 1826, 1838; — Scientific Departments, 1839, 1840; — Dockyards, &c. 1846, 1848; — Naval Stores, 1849, 1853, 1855, 1858; Report, 1862, 1863

Navy—Increase of Pay—Dockyards and the Marines, 94; — Greenwich Hospital, 255; — Naval Savings Banks, 878; — Corporal Punishment of Naval Cadets, 1490; — "Greenwich Sixpence," 1738; — Naval Officers' Leave, 1934

Supply — Quarantine Establishment, 926; — Printing and Stationery, 929

County Courts Acts Amendment Bill

[H.L.] (*The Lord Chancellor*)

- l. Presented; read 1^a* *May 21* (No. 103)
 Read 2^a, after short debate *May 31, 1884*
 Committee; Report *June 4, 1550* (No. 140)
 Committee (*on re-comm.*) *June 17, 1929* (No. 156)

County Treasurer (Ireland) Bill

(*The O'Conor Don, Colonel Greville-Nugent, Mr. Synan*)

- c. Read 2^a* *May 15* [Bill 91]
 Committee*; Report *May 16*
 Committee* (*on re-comm.*); Report *June 4*
 Considered as amended* *June 5* [Bill 159]
 Read 3^a* *June 6*
 l. Read 1^a* (*The Marquess of Clanricarde*) *June 7* (No. 149)

Court of Chancery (Ireland) Bill

(*Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*)

- c. Committee *May 10, 180* [Bill 47]
 Committee, 374—R.P.
 Committee* *May 16*—R.P.
 Committee* *May 30*—R.P.
 Committee*; Report *June 3*
 Considered as amended* *June 7* [Bill 180]

Court of Chancery Officers Bill [H.L.]

(*The Lord Chancellor*)

- l. Presented; read 1^a* *June 17* (No. 154)

COURTOWN, Earl of

Offices and Oaths, 2R. Amendt. 1375, 1380

Courts of Law, &c. (Salaries and Expenses) Bill (*Mr. Dodson, Mr. Childers*)

- c. Considered in Committee* *June 4*—R.P.
 Question, Mr. Ayrton; Answer, Mr. Childers *June 6, 1666*
 Considered in Committee*; Resolution *June 7*
 Resolution reported; Bill ordered* *June 13*

Courts of Law Officers (Ireland) Bill

(*Mr. Attorney General for Ireland, Lord Naas*)

- c. Ordered* *May 10*
 Read 1^a* *May 13* [Bill 145]
 Read 2^a* *May 16*
 Committee*; Report *June 3* [Bill 178]

COWEN, Mr. J., Newcastle-on-Tyne

Army Estimates—Volunteer Corps, 1761

Representation of the People, Comm. cl. 3, 55, 702

COWPER, Earl

Hyde Park, Meeting in, Motion for an Address, 214, 222, 252

Volunteers—Employment of, in Civil Disturbances, 72

CRANBORNE, Right Hon. Viscount, Stamford

India—Maharajah of Mysore, 1071

Representation of the People, Comm. cl. 3, Motion for Adjournment, 756; cl. 4, Motion for Adjournment, 1005; cl. 35, 1190, 1191, 1208, 1213; cl. 8, 1320, 1329, 1330, 1342, 1357, 1363; cl. 9, 1545; cl. 10, 1966, 1968

CRANWORTH, Lord

County Courts Acts Amendment, 2R. 1385 ;
Comm. *cl.* 4, 1930 ; *cl.* 24, 1932, 1933
Criminal Law, 2R. 932
Increase of the Episcopate, Comm. *cl.* 1, 380 ;
Report, *cl.* 13, 1485
Office of Judge in the Admiralty, Divorce, and
Probate Courts, Comm. 610 ; 3R. Amendt.
1102
Statute Law Revision, 2R. 1199

CRAUFURD, Mr. E. H. J., *Ayr, &c.*

Hypothec Abolition (Scotland), 2R. 199 ;
Comm. *cl.* 4, 757
Newspapers, Registration of, 1492
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1187
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441

CRAWFORD, Mr. R. W., *London*

Business of the House, 942
Railway and Joint Stock Companies Accounts,
Leave, 1591
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1242 ; *cl.* 10, 1977
Weights and Measures, False, 1934

Criminal Law

Andersen, Case of Carl, Question, Mr. Blake ;
Answer, Mr. Walpole *May* 16, 622
Fullford and Wellstead for Poaching, Case of,
Question, Sir Roundell Palmer ; Answer,
Mr. Gathorne Hardy *May* 24, 1025

Criminal Law Bill (*The Lord Cranworth*)

1. Read 2^a *May* 23, 932 (No. 81)
Committee * *May* 27 ; Report * *May* 28
Read 3^a * *May* 31
Royal Assent *June* 20 [30 & 31 *Vict.* c. 35]

CROSSLEY, Sir F., *Yorkshire, W.R.—N.*

Master and Servant, 2R. 1612
National Debt Acts, 2R. 663
Representation of the People, Comm. *cl.* 9,
1534

CUBITT, Mr. G., *Surrey, W.*

Representation of the People, Comm. *cl.* 8,
1333

Customs and Inland Revenue Bill

(*Mr. Dodson, Mr. Chancellor of the Exchequer,*
Mr. Hunt)

c. Committee * ; Report *May* 6 [Bill 113]
Considered as amended * *May* 7
Read 3^a * *May* 8
1. Read 1^a * (*The Earl of Devon*) *May* 9
Read 2^a * *May* 16 (No. 93)
Committee * ; Report *May* 20
Read 3^a * *May* 23
Royal Assent *May* 31 [30 *Vict.* c. 23]

DALGLISH, Mr. R., *Glasgow*

Navy Estimates—Naval Stores, 1856, 1857

Danubian Principalities—Persecution of Jews

Question, Mr. Layard ; Answer, Lord Stanley
June 3, 1497

DAWSON, Mr. R. Peel, *Londonderry Co.*

Grand Juries (Ireland), 2R. 592, 600
Ireland—The Salters' Company—Magherafelt
Roman Catholic Church, Motion for an
Address, 892
Sale of Liquors on Sunday (Ireland), 2R.
1647

DE GREY AND RIPON, Earl

Army—Cavalry Barracks, Knightsbridge,
1472, 1476

DENISON, Right Hon. J. E., *see* SPEAKER, The

DENMAN, Lord

Habeas Corpus Suspension (Ireland) Act Con-
tinuance (No. 2), 1R. 1097

DENMAN, Hon. G., *Tiverton*

Business, Public—Standing Orders, 1133
Representation of the People, Comm. *cl.* 3, 27,
56 ; Amendt. 442, 444, 448, 449, 451, 453,
454, 740, 741 ; *cl.* 4, 833, 1175 ; *cl.* 34, 1177,
1178, 1187 ; *cl.* 35, 1201, 1202 ; *cl.* 5, 1232 ;
cl. 9, 1545 ; *cl.* 15, 2004, 2005

DENT, Mr. J. D., *Scarborough*

Cattle Plague, 777
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1989
Women and Children, Employment of, in Agri-
culture, 258

DERBY, Earl of (First Lord of the Treas-
ury)

Clerical Vestments, 72, 76
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Contagious Diseases (Animals), Comm. *cl.* 31,
1550
Glossop Convent, 378, 932
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tinuance (No. 2), 1020 ; 1R. 1097 ; 2R.
1114, 1123, 1124, 1127
Hyde Park, Meeting in, Motion for an Address,
217, 223, 232, 233, 250
Increase of the Episcopate, 2R. 86 ; Comm.
cl. 1, 380, 382, 763 ; *add. cl.* 1195, 1196 ;
Report, *cl.* 2, 1479 ; 3R. 1552
Ireland—Fenian Conspiracy, 367 ;—Condemned
Fenian Prisoners, 1099, 1101
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New Palace Yard and the Houses of Parlia-
ment, 766, 1012
Offices and Oaths, 2R. 1378
Standing Orders—Railway Deposits, 1554
“Tornado,” Seizure of the, 364, 1368
Transubstantiation, &c. Declaration Abolition,
2R. 1382
United States—The “Alabama” Claims, 862
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874

DERING, Sir E. C., *Kent, E.*

Representation of the People, Comm. *cl.* 14,
1989

DE ROS, Lord

Army—Cavalry Barracks, Knightsbridge,
1474

DEVON, Earl of (Chief Commissioner of
the Poor Law Board)

Clerical Vestments (No. 2), 2R. 510

District Prothonotaries, Court of Common
Pleas, County Palatine of Lancaster, 2R.
934

Guildford Board of Guardians, 861

DICKSON, Major A. G., *Dover*

Army—Cavalry Half Pay, 263

DILLWYN, Mr. L. L., *Swansea*

Exhibition of 1851, 1387

Explanation—Mr. Osborne, 10

Game Preservation (Scotland), 2R. 912

Navy Estimates—Scientific Departments, 1840

Paris Exhibition, Expenses of the, 622

Representation of the People, Comm. *cl.* 34,
1184; *cl.* 8, 1335; *cl.* 9, 1541; *cl.* 10, 1974;
cl. 12, 1987; Amendt. 1988

Supply—Poor Law Commissioners, 858;—
Quarantine Establishment, 927

Universal Catalogue of Art Books, 391

DIMSDALE, Mr. R., *Hertford*

Representation of the People, Comm. *cl.* 9,
1529

DISRAELI, Right Hon. B., *see* CHAN-
CELLOR of the EXCHEQUER

District Prothonotaries, Court of Common
Pleas, County Palatine of Lancaster
Bill [H.L.] (*The Earl of Devon*)

l. Presented; read 1st *May* 21 (No. 107)

Read 2^d *May* 23, 934

Committee *June* 3

Report *June* 6

DODSON, Mr. J. G. (Chairman of the
Committee of Ways and Means)
Sussex, E.

Great North of Scotland Railway, Consid.
1245

Ireland—Petition on Fenianism, Res. 1900

Malt Tax, Motion for a Committee, 554

Metropolis Gas, Consid. 362

North British Railway (Carlisle Deviation),
Consid. 1287

Railway Bills—Standing Orders, Res. 1658

Railway Companies, Consid. *cl.* 7; Amendt.
1726

Representation of the People, Comm. *cl.* 4,
1147; *cl.* 34, 1179, 1180, 1189; *cl.* 35,
1204, 1297; *cl.* 8, 1243, 1297, 1303, 1363;
cl. 9, 1547; *cl.* 10, 1953; *cl.* 14, 1990

Supply—Public Record Office, 858;—Quaran-
tine Establishment, 927;—University of
London, 1469

Dogs Regulation (Ireland) Act (1865)
Amendment Bill

(*Mr. Stacpoole, Mr. Lawson, Mr. O'Beirne*)

c. Ordered; read 1^o *June* 3 [Bill 184]

Drainage and Improvement of Lands
(Ireland) Supplemental Bill

(*Mr. Hunt, Lord Naas*)

c. Ordered; read 1^o *June* 14 [Bill 199]

Read 2^o *June* 17

DUDLEY, Earl of

Hyde Park, Meeting in, Motion for an Address,
248

DUFF, Mr. M. E. Grant, *Elgin, &c.*

Game Preservation (Scotland), 2R. 912

Representation of the People, Comm. *cl.* 8,
1361; *cl.* 15, 2000, 2003

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415

DUNCOMBE, Vice-Admiral Hon. A., *York-
shire, E.R.*

Municipal Corporations Charities, 2R. 208

DUNKELLIN, Lord, *Galway Co.*

Cattle Plague—Foreign Cattle, 92

DUNLOP, Mr. A. C. S. M., *Greenock*

Representation of the People (Scotland), Leave,
418

DUNNE, Major-Gen. F. P., *Queen's Co.*

Army Estimates—Military Store Establish-
ment, 1703;—Works, Buildings, &c. 1712

Army—Organization of the, 374;—Recruit-
ing, Res. 681;—Exclusion of Irishmen
from the Foot Guards, Res. 1676;—Trans-
port and Supply Departments, 1688

Ireland—Registry of Deeds, 852

DURHAM, Bishop of

Clerical Vestments (No. 2), 2R. 517

DYOTT, Colonel R., *Lichfield*

Representation of the People, Comm. *cl.* 9,
1535

Ecclesiastical Commissioners

Dean and Chapter of Westminster, Question,
Mr. Bentinck; Answer, Mr. Mowbray *May* 7,
93

Dean and Chapter of Windsor, Question, Sir
Massey Lopes; Answer, Mr. Mowbray
May 24, 1024

*Non-Capitular Stipends—Cathedral and Col-
legiate Churches*, Motion for Papers (Mr.
Bentinck) *May* 21, 895; after short debate,
Motion agreed to

Ecclesiastical Titles Act Repeal Bill

(*Mr. MacEvoy, Mr. McKenna, Mr. Leader*)

c. Second Reading deferred, after debate *May* 14,
564 [Bill 84]

Moved, That a Select Committee be appointed
"to inquire into and report upon the opera-

[cont.]

Ecclesiastical Titles Act Repeal Bill—cont.

tion of the Act 14 and 15 Vic. c. 60 (the Ecclesiastical Titles Act) 10 Geo. 4, c. 7 (the Roman Catholic Relief Act), as is contained in s. 24" (*Mr. MacEvoy*) May 16, 687; Motion agreed to; Question, Mr. Newdegate; Answer, The Chancellor of the Exchequer May 21, 882

Nomination of Select Committee, Moved, "That Mr. MacEvoy be one Member of the Select Committee" May 24, 1096; House adjourned

Moved, "That Mr. MacEvoy be one Member of the Select Committee" May 30, 1363

Amendt. to leave out from "That" and add "The nomination of the Select Committee be postponed until this day six months" (*Colonel Gilpin*); after short debate, Question, "That the words, &c.;" A. 69, N. 42; M. 27

After further short debate, Moved, "That the Debate be now adjourned" (*Sir Brook Bridges*); A. 39, N. 70; M. 31

Motion, "That this House do now adjourn" (*Sir Henry Edwards*) put, and agreed to Question, Mr. Newdegate; Answer, The Chancellor of the Exchequer June 3, 1495; Question, Mr. Vance; Answer, The Chancellor of the Exchequer, 1498

Education

America and Canada, Education in, Question, Mr. Powell; Answer, Lord Robert Montagu May 21, 879

American Schools, Rev. J. Fraser's Report on, Question, Mr. Powell; Answer, Mr. Gathorne Hardy May 24, 1024

Art Catalogue, Universal, Question, Mr. Dillwyn; Answer, Lord Robert Montagu May 13, 391; Question, Mr. Gregory; Answer, Lord Robert Montagu May 16, 615

Educational Building Grants, Question, Mr. Acland; Answer, Lord Robert Montagu June 6, 1659

Endowed Schools Commission, Question, Sir Edmund Lacon; Answer, Lord Robert Montagu May 30, 1294

Exhibition of 1851, Question, Mr. Dillwyn; Answer, Mr. Gathorne Hardy May 31, 1387

Paris Universal Exhibition, 1867—Expenditure and Purchases, Question, Mr. Gregory; Answer, Lord Robert Montagu May 16, 619; Question Mr. Dillwyn; Answer, Lord Robert Montagu, 622; Question, Mr. Bentinck; Answer, Lord Robert Montagu May 17, 692

South Kensington, Art and Science Department, Question, Mr. Bentinck; Answer, Lord Robert Montagu May 23, 935

EDWARDS, Sir H., Beverley

Army Estimates—Works, Buildings, &c. 1714 Ecclesiastical Titles and Roman Catholic Relief Acts, Comm. Motion for Adjournment, 1365

Representation of the People, Comm. cl. 14, 1990

Sale of Liquors on Sunday, 1740

EGERTON, Hon. A. F., Lancashire, S.

Representation of the People, Comm. cl. 4, 1161

ELCHO, Lord, Haddingtonshire

Army Estimates—Military Store Establishment, 1702, 1705, 1706, 1707, 1708;—Works, Buildings, &c. 1715;—Administration of the Army, 1721;—Hospital Establishment, 1751;—Volunteer Corps, 1754, 1764

Army—Exclusion of Irishmen from the Foot Guards, Res. 1678;—Ordnance Department, Motion for a Committee, 1799, 1802, 1807, 1808, 1809

Game Preservation (Scotland), 2R. 905

Ireland—Petition on Fenianism, Res. 1905

Master and Servant, 2R. 1611

Railways (Scotland), 2R. 1012

Representation of the People, Comm. cl. 15, 2003, 2005

ELLENBOROUGH, Earl of

Consecration of Churchyards, 2R. 1016, 1018

Increase of the Episcopate, Comm. cl. 13, 1194; add. cl. 1197; Report, cl. 12, 1483, 1484; cl. 13, Amendt. 1485; 3R. 1552

Ireland—Condemned Fenian Prisoners, 1101

Offices and Oaths, 2R. 1376

ELLICE, Mr. E., St. Andrews, &c.

Hypothec Amendment (Scotland), Comm. cl. 4, 757

North British Railway (Carlisle Deviation), Consid. 1286

Representation of the People, Comm. cl. 4, Amendt. 999

ELY, Bishop of

Increase of the Episcopate, Comm. cl. 11, 386

ENFIELD, Viscount, Middlesex

Metropolis—Victoria Park, 1293

Special and Common Juries, Motion for a Committee, 1582

ERSKINE, Vice-Admiral J. E., Stirlingshire

Navy Estimates—Coast Guard Service, &c. 1813, 1828

ESMONDE, Mr. J., Waterford Co.

Army—Exclusion of Irishmen from the Foot Guards, Res. 1680

Court of Chancery (Ireland), Comm. Motion for Adjournment, 374, 376

Ireland—Reform Bill, 5

Representation of the People, Comm. cl. 9, 1546

Representation of the People (Ireland), 1091

Established Church (Ireland)

Question, Mr. Lefroy; Answer Sir John Gray May 6, 6

Moved, "That this House will, on Wednesday the 29th day of this instant May, resolve itself into a Committee to consider the Temporalities and Privileges of the Established Church in Ireland" (*Sir John Gray*) May 7, 96

After long debate, previous Question (*Sir Frederick Heygate*) put; A. 183, N. 195; M. 12; Division List, 182

Estimate, National Education

Question, Mr. O'Reilly; Answer, Lord Naas
May 16, 620

Eltham Hospital and Repton School

Return ordered (*Sir Robert Peel*) May 16,
688

EVANS, Mr. T. W., *Derbyshire, S.*

Cattle Plague, 391
Oxford and Cambridge Universities Education,
2R. 1628
Sunday Trading, 2R. 585

EWART, Mr. W., *Dumfries, &c.*

Brazil—British Claims on, 1128
Metropolis—Public Parks, 1387
Money Orders, International System of, 774
Oxford and Cambridge Universities Education,
2R. 1613
Representation of the People, Comm. cl. 4,
847

EWING, Mr. H. E. CRUM.- *Paisley*

North British Railway (Carlisle Deviation),
Consid. 1288
Representation of the People (Scotland),
Leave, 440

Exchequer Bonds (£1,700,000) Bill

(*Mr. Dodson, Mr. Chancellor of the Exchequer,*
Mr. Hunt)

- c. Read 1^o * May 28
Read 2^o * May 30
Committee *; Report June 3
Read 3^o * June 4
l. Read 1^a * (*The Earl of Devon*) June 4
Read 2^a * June 6
Read 3^a * June 7
Royal Assent June 17 [30 Vict. c. 31]

EXCHEQUER, CHANCELLOR of the, *see*
CHANCELLOR of the EXCHEQUER

Execution of Deeds Bill

(*Mr. Goldney, Mr. Leeman, Mr. Powell*)

- c. Committee *; Report May 8, 138
[Bills 26 & 138]

Exhibition of 1851

Question, Mr. Dillwyn; Answer, Mr. Gathorne
Hardy May 31, 1387

FANE, Lieut.-Col. H. H., *Hampshire, S.*

Army Estimates—Disembodied Militia, 1751
Army—Recruiting, 1489

FAWCETT, Mr. H., *Brighton*

Agricultural Children's Education, Leave, 559
Master and Servant, 2R. 1610
Oxford and Cambridge Universities Education,
2R. 1630
Representation of the People, Comm. cl. 3,
317; cl. 4, 835; cl. 5, 1235
Uniformity Act Amendment, 2R. 1248, 1261,
1262, 1279

FERGUSON, Sir J. (Under Secretary of

State for India), *Ayrshire*
Hypothec Abolition (Scotland), 2R. 198;
Comm. cl. 4, 757
Railways (Scotland), 2R. 1012
Representation of the People (Scotland),
Leave, 412

FINLAY, Mr., A. S., *Argyllshire*

Army—Volunteer Corps Capitation Money,
1294

Fire Arms, Proof of

Question, Earl Spencer; Answer, The Earl of
Longford June 7, 1728

FITZGERALD, Lord O. A., *Kildare Co.*

Ireland—Curragh of Kildare, 1491

FOLJAMBE, Mr. F. J. S., *Retford (East)*

Ritualism—Royal Commission, 1664

FORDYCE, Mr. W. D., *Aberdeenshire*

Game Preservation (Scotland), 2R. 910

FORSTER, Mr. C., *Walsall*

Ireland—Petition on Fenianism, Res. 1893

FORSTER, Mr. W. E., *Bradford*

Army—Volunteers, 1936, 1937
Ireland—Petition on Fenianism, Res. 1891
Representation of the People—Compound
Householders, 6, 262, 525
Representation of the People, Comm. cl. 3,
733, 753; cl. 35, 1202; cl. 9, 1546; cl. 14,
1991

FORT, Mr. R., *Clitheroe*

Representation of the People, Comm. cl. 8,
1334, 1362

FORTESCUE, Right Hon. Chichester S.,
Louth Co.

Ecclesiastical Titles and Roman Catholic Re-
lief Acts, Motion for a Committee, 688,
1364
Habeas Corpus Suspension (Ireland) Act Con-
tinuance (No. 2), 2R. 975
Ireland—Queen's University, 3, 4, 1431, 1445;
—Established Church, Res. 165, 166
Representation of the People (Ireland), 1087

Fortifications (Provision for Expenses)
Bill (The Earl of Longford)

- l. Read 2^a * May 17 (No. 84)
Committee; Report May 20, 767
Read 3^a * May 21
Royal Assent May 31 [30 Vict. c. 24]

FRENCH, Rt. Hon. Colonel F., *Roscommon*
Co.

Army—Troops in Huts, 618;—Exclusion of
Irishmen from the Foot Guards, Res. 1674
Business, Public—Standing Order, 1133
Court of Chancery (Ireland), Comm. 374
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(*Mr. Carnegie, Mr. Fordyce, Mr. E. Craufurd*)

c. Moved, "That the Bill be now read 2^o" (*Mr. Carnegie*) May 8, 187 [Bill 54]
After short debate, Amendt. to leave out "now" and add "upon this day six months" (*Mr. Henry Baillie*)
After further debate, Question put, A. 96, N. 225; M. 129; Bill put off for six months

Hypothec Amendment (Scotland) Bill [H.L.]

(The Lord Chancellor)

- c. Read 2^o * May 8 [Bill 100]
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- l. Read 2^a * May 7 (No. 65)
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Inclosure (No. 2) Bill

(Mr. Secretary Gathorne Hardy, Mr. Hunt)

- c. Ordered; read 1^o * June 4 [Bill 186]
Read 2^o * June 6
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l. Read 1^a * (The Earl of Devon) June 17 (No. 158)

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- l. Read 2^a, after debate May 7, 78 (No. 51)
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- c. Ordered * May 30
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- l. Presented; read 1^a * May 31 (No. 120)
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(Mr. Henry B. Sheridan, Mr. Ayrton)

- c. Ordered; read 1^o * June 7 [Bill 197]

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 Vaccination, Comm. Amendt. 1871

Judges' Chambers (Despatch of Business) Bill (*The Lord Chancellor*)
 c. Read 1st *May* 15 [Bill 154]
 Read 2nd *June* 14

Judgment Debtors Bill
 (*Mr. Attorney General, Mr. Secretary Walpole, Mr. Solicitor General*)
 c. Committee* (*on re-comm.*) *June* 7—R.P.
 [Bill 132]

KARSLAKE, Sir J. B., see SOLICITOR GENERAL
 The

KARSLAKE, Mr. E. K., Colchester
 Bankruptcy Acts Amendment, Comm. 1572
 Representation of the People, Comm. cl. 3, 707; cl. 4, 829, 833, 996
 Sale of Land by Auction, Re-comm. 603

KAVANAGH, Mr. A. M., Wexford Co.
 Ireland—Wrecks on the Coast, 395

KENDALL, Mr. N., Cornwall, E.
 Representation of the People, Comm. cl. 3, 315; cl. 4, 996
 Vaccination, Comm. 1885

KENNEDY, Mr. T., Louth Co.
 Representation of the People (Ireland), 1092

KIMBERLEY, Earl of
 County Courts Act Amendment, Comm. 1550
 Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 1117, 1121, 1124
 Offices and Oaths, 2R. 1371, 1379, 1380
 Transubstantiation, &c. Declaration Abolition, 2R. 1380, 1382

KING, Hon. P. J. L., Surrey, E.
 Representation of the People, Comm. cl. 4, 1002, 1011; Amendt. 1155, 1166

KINGLAKE, Mr. Serjeant J. A., Rochester
 Representation of the People, Comm. cl. 3, 444

KINGLAKE, Mr. A. W., Bridgwater
 Representation of the People, Comm. cl. 4, 1174; cl. 9, 1536

KINNAIRD, Hon. A. F., Perth
 India—Maharajah of Mysore, 1075
 Luxemburg, Grand Duchy of, 1925
 Metropolis Gas, Consid. 185
 Navy—Naval Savings Banks, 878
 Representation of the People (Scotland), Leave, 441

KNATCHBULL-HUGESSEN, Mr. E. H., Sandwich
 Court of Chancery (Ireland), Comm. 375
 Ireland—Dublin Metropolitan Police, 263
 "North," The Ship, 1488
 Representation of the People, Comm. cl. 9, 1541, 1542
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 Supply—Quarantine Establishment, 928;—Printing and Stationery, 929

KNIGHTLEY, Sir R., Northamptonshire, S.
 Corrupt Practices at Elections, Comm. 57
 Representation of the People, Comm. cl. 3, 21, 461, 803; cl. 34, 1189; cl. 8, 1302

KNOX, Hon. Colonel W. Stuart, Dungannon
 Ecclesiastical Titles and Roman Catholic Relief Acts, Comm. 1363, 1365, 1366, 1499
 Ireland—Alleged abetting of Fenianism—Professor Thompson, 621, 622, 777;—Tyrone Magistrates, 1935

LABOUCHERE, Mr. H., *Middlesex*
Luxemburg, Grand Duchy of, 259, 1910
Metropolis—Chelsea Hospital Gardens, 1026

**Labouring Classes Dwellings Acts (1866)
Amendment Bill**

(*Mr. Hunt, Mr. Secretary Walpole*)

- c. Read 2^o * *May* 13 [Bill 118]
Committee * ; Report *May* 14
Considered as amended * *May* 15
Read 3^o * *May* 16
l. Read 1^a * (*The Earl of Devon*) *May* 17
Read 2^a * *May* 24 (No. 104)
Committee * ; Report *May* 27
Read 3^a * *June* 3
Royal Assent *June* 17 [30 *Vict.* c. 28]

LACON, Sir E. H. K., *Great Yarmouth*
Endowed Schools Commission, 1294

LAING, Mr. S., *Wick, &c.*
Army Estimates—Military Education, 1719
India—Maharajah of Mysore, 1050
National Debt Acts, 2R. 639
Railway Companies, *Consid. cl. 4, 1726 ; cl. 7, 1926*
Representation of the People, *Comm. cl. 4, 838 ; cl. 9, Amendt. 1888, 1428, 1515, 1538, 1780 ; cl. 10, Amendt. 1942, 1972, 1984, 1986 ; cl. 14, 1990, 1991*
Representation of the People (Scotland), *Leave, 419*

LAIRD, Mr. J., *Birkenhead*
Navy Estimates—Dockyards, &c. 1842 ; —
Steam Machinery, 1858

LAMONT, Mr. J., *Buteshire*
Cape of Good Hope, Motion for an Address, 1599
Ireland—Established Church, *Res. 146*

Land Drainage Supplemental Bill

(*Mr. Secretary Walpole, Mr. Sclater-Booth*)

- c. Read 3^o * *May* 6 [Bill 123]
l. Read 1^a * (*The Earl of Belmore*) *May* 7
Read 2^a * *May* 10 (No. 90)
Committee * ; Report *May* 13
Read 3^a * *May* 14
Royal Assent *May* 31 [30 *Vict.* c. 22]

Landed Property Improvement and Leasing (Ireland) Bill

(*Mr. Pim, Mr. Leader, Mr. Blake*)

- c. Ordered, after short debate ; read 1^o *May* 14, 562 [Bill 150]

LANYON, Mr. C., *Belfast*
Grand Juries (Ireland), 2R. 597

LAWSON, Right Hon. J. A., *Portarlington*
Tramways (Ireland) Act Amendment, 2R. 69

LAYARD, Mr. A. H., *Southwark*
Danubian Principalities—Persecution of the Jews, 1497
Metropolis Gas, *Consid. 362*
Metropolis—University of London, 265
Supply—University of London, *Amendt. 1463, 1468*

LEADER, Mr. N. P., *Cork Co.*
Grand Juries (Ireland), 2R. 599

LECHMERE, Sir E. A. H., *Tewkesbury*
Representation of the People, *Comm. cl. 8, 1243*

LEEMAN, Mr. G., *York City*
Railway Companies, *Consid. cl. 4, 1725, 1726*
Railways Construction Facilities Act Amendment, 2R. *Amendt. 758*
Sale of Land by Auction, *Comm. cl. 5, 921*

LEFEVRE, Mr. G. J. Shaw, *Reading*
Army—Ordnance Department, Motion for a Committee, 1806

LEFROY, Mr. A., *Dublin University*
Ireland—Established Church, 6 ; *Res. 144*

LENNOX, Lord H. G. C. G. (Secretary to the Admiralty) *Chichester*
Navy Estimates—Scientific Departments, 1840 ; —Dockyards, &c. 1844, 1847 ; —Victualling Yards, 1849

LEWIS, Mr. Harvey, *Marylebone*
Representation of the People, *Comm. cl. 3, 82*

LIDDELL, Hon. H. G., *Northumberland, S.*
Army Estimates—Military Store Establishment, 1710
Master and Servant, 2R. 1606
Navy—Royal Naval Reserve, 1021, 1022 ; —Greenwich Sixpence, 1735
Representation of the People, *Comm. cl. 3, 701 ; cl. 4, 1157 ; cl. 35, 1205 ; cl. 8, 1297, 1330 ; cl. 15, 1998, 1999*

LIFFORD, Viscount
Ireland—Convicted Fenians, 689

Limerick Harbour (Composition of Debt) Bill

- c. Read 2^o * *May* 27 [Bill 117]
Select Committee *May* 29, 1284
Report of Select Committee * *May* 31
Committee * (*on re-comm.*) ; Report *June* 3
Read 3^o * *June* 4 [Bill 176]
l. Read 1^a * (*The Earl of Devon*) *June* 4 (No. 138)

Limited Liability Acts

- c. Report of Select Committee *May* 28 [No. 329]

LINCOLN, Bishop of
Increase of the Episcopate, *Comm. cl. 10, 384 add. cl. 1195*

LINDSAY, Hon. Colonel C. H., *Abingdon*
Army Estimates—Disembodied Militia, 1757

Linen and other Manufactures (Ireland)
Bill (*Mr. Lanyon, Mr. Getty*)

c. Resolution; Bill ordered; read 1° * June 3
[Bill 183]

Lis Pendens Bill (*The Lord St. Leonards*)

c. Read 1° * May 15 [Bill 183]
Read 2° * June 7
Committee*; Report June 14
Considered as amended * June 17

Liverpool, Engineer Surveyor at

Question, Mr. O'Beirne; Answer, Mr. Stephen
Cave May 18, 394

LLOYD, Sir T. D., *Cardiganshire*

Representation of the People, Comm. cl. 4,
1157

Local Government Supplemental Bill

l. Read 1° * (*The Earl of Belmore*) May 7
Read 2° * May 10 (No. 89)
Committee*; Report May 13
Read 3° * May 14
Royal Assent May 31 [30 Vict. c. 21]

Local Government Supplemental (No. 2)

Bill (*Mr. Sec. G. Hardy, Mr. Sclater-Booth*)

c. Ordered; read 1° * May 21 [Bill 187]
Read 2° * May 23
Committee*; Report May 27
Read 3° * May 29

l. Read 1° * (*The Earl of Belmore*) May 31
Read 2° * June 3 (No. 119)

Local Government Supplemental (No. 3)

Bill (*Mr. Sec. G. Hardy, Mr. Sclater-Booth*)

c. Ordered; read 1° * June 4 [Bill 187]
Read 2° * June 6
Committee*; Report June 17

Local Government Supplemental (No. 4)

Bill (*Mr. Sec. G. Hardy, Mr. Sclater-Booth*)

c. Ordered; read 1° * June 6 [Bill 191]
Read 2° * June 17

LOCKE, Mr. J., *Southwark*

Municipal Corporations (Metropolis), Leave,
887

Representation of the People, Comm. cl. 3, 33,
463; cl. 4, 852; cl. 34, 1187

LONDON, Bishop of

Clerical Vestments, 75

Clerical Vestments (No. 2), 2R. 507

Increase of the Episcopate, 2R. 84; Comm.
cl. 10, Amendt. 384, 386, 763; cl. 13, 1194;
add. cl. 1195, 1196; Report, cl. 2, 1480

LONGFORD, Earl of (Under Secretary of
State for War)

Army—Cavalry Barracks Knightsbridge, 1473;
—Proof of Fire Arms, 1729

Army Enlistment, 2R. 1382, 1383; Comm.
cl. 2, 1478

Fortifications (Provision for Expenses), Comm.
767

LOPES, Sir M., *Westbury*

Dean and Chapter of Windsor, and the Ecclesi-
astical Commissioners, 1024

LOWE, Right Hon. R., *Calne*

Explanation—Mr. Osborne and Mr. Dillwyn, 12
Ireland—Queen's University, 1451, 1459, 1461,
1462

Oxford and Cambridge Universities Education,
2R. 1624, 1632

Parks, Public Right in the, 95;—Public Meet-
ings in the, 266

Representation of the People, Comm. cl. 3, 323,
781; cl. 8, 1311; cl. 15, 1994, 1996, 1999;

Motion for Adjournment, 2001

Supply—University of London, 1468

Vaccination, Comm. 1883

LOWTHER, Mr. J., *York City*

Ecclesiastical Titles and Roman Catholic Relief
Acts, Comm. 1366

LUCAN, Earl of

Army—Cavalry Barracks, Knightsbridge, 1471,
1472

LUSK, Mr. Alderman A., *Finsbury*

Army Estimates—Military Store Establish-
ment, 1704;—Works, Buildings, &c. 1711;
1712, 1715;—Barrack Establishment,
Amendt. 1746, 1749

Army—Transport and Supply Departments,
1697

Bankruptcy Acts Repeal, Comm. 1773

Navy Estimates—Coast Guard Service, &c.
1836;—Scientific Departments, 1839;—
Dockyards, &c. 1845, 1847;—Naval Stores,
1858; Motion for Adjournment, 1859

Representation of the People, Comm. cl. 3, 42
Sunday Trading, 2R. 588

Supply—Salaries, &c. of Offices of Houses of
Parliament, Amendt. 854;—Poor Law Com-
missioners, 859; Motion for Adjournment,
860;—Quarantine Establishment, Amendt.
927;—Prisons and Convict Establishments,
1094

Luxemburg—Grand Duchy of

Question, Earl Russell; Answer, The Earl of
Derby May 9, 214—*The Conference*, Ques-
tion, Mr. Labouchere; Answer, Lord Stanley,
259; Observations, The Earl of Derby
May 13, 379; Question, Sir Harry Verney;
Answer, Lord Stanley May 13, 397—*Treaty*
of, Question, Mr. Labouchere; Answer, Lord
Stanley June 14, 1910

LYTTELTON, Lord

Colonial Church, 761
Increase of the Episcopate, 2R. 73, 85, 88;
Comm. *cl.* 1, 380, 382; *add. cl.* 384; *cl.* 10,
385; *cl.* 11, Amendt. 386, 762, 765; *cl.* 13,
1195; *add. cl.* 1197; Report, *cl.* 2, Amendt.
1478, 1479; *cl.* 12, 1484; *cl.* 13, 1487; 3R.
1551

LYVEDEN, Lord

Contagious Diseases (Animals), 2R. 872
Increase of the Episcopate, Comm. *cl.* 1, 380
New Palace Yard and the Houses of Parlia-
ment, 765
Offices and Oaths, 2R. 1377

MACVOY, Mr. E., Meath Co

Ecclesiastical Titles Act Repeal, 2R. 564
Ecclesiastical Titles and Roman Catholic Relief
Acts, Motion for a Committee, 687, 1096,
1097, 1336, 1499

MACKIE Mr. J., Kirkcudbrightshire

Scotland—Southernness Lighthouse, 774

McLAGAN, Mr. P., Linlithgowshire

Game Preservation (Scotland), 2R. 902, 910
Hypothee Abolition (Scotland), 2R. 199

McLAREN, Mr. D., Edinburgh

Game Preservation (Scotland), 2R. 914
Hypothee Abolition (Scotland), 2R. 205
Representation of the People, Comm. *cl.* 3, 36,
37, 469, 702; *cl.* 9, 1536
Representation of the People (Scotland), Leave,
423
Sunday Trading, 2R. 537

MAGUIRE, Mr. J. F., Cork City

Grand Juries (Ireland), 2R. 595
Habeas Corpus Suspension (Ireland) Act Con-
tinuance (No. 2), Leave, 901; 2R. 942, 945,
953, 973
Ireland — Established Church, Res. 175; —
Salters' Company, 253, 768; —Roman Ca-
tholic Church at Magherafelt, Motion for an
Address, 894; Fenian Prisoners, 1663

Malt Tax

Moved, "That a Select Committee be ap-
pointed to inquire into the operation of the
Malt Tax" (*Colonel Barttelot*) May 14, 526;
after long debate, Motion agreed to; List of
the Committee, 557

**MANNERS, Right Hon. Lord J. J. R.
(Chief Commissioner of Works, &c.),
Leicestershire, N.**

Canning and Peel, Statues of, 3
Habeas Corpus Suspension (Ireland) Act Con-
tinuance (No. 2), 2R. 991
Metropolis—University of London, 265, 266,
1290, 1661; —Foot-paths bounding Crown
Property, 770, 771; —Chelsea Hospital
Gardens, 1026; —Victoria Park, 1293; —
Public Parks, 1387
Representation of the People, Comm. *cl.* 3, 304;
cl. 4, 1000, 1006; *cl.* 5, 1232
Supply — University of London, 1464, 1468,
1469

**MARLBOROUGH, Duke of (Lord President
of the Council)**

Contagious Diseases (Animals), 2R. 864, 872;
Report, 1369; Comm. *cl.* 31, 1549

Marriage Law Commission—Report of

Question, Mr. Monk; Answer, Mr. Gathorne
Hardy May 23, 938

MARSH, Mr. M. A., Salisbury

Representation of the People, Comm. *cl.* 3, 45,
309

Marital Law

Question, Mr. Headlam; Answer, The Chan-
cellor of the Exchequer May 6, 3

MARTIN, Mr. P. Wykeham, Rochester

Army Estimates — Military Store Establish-
ment, 1704; — Works, Buildings, &c. 1712
Ecclesiastical Titles and Roman Catholic Relief
Acts, Comm. 1365
Municipal Corporations Charities, 2R. 203
Navy Estimates—Dockyards, &c. 1841

**Master and Servant Bill (Lord Elcho, Mr.
George Clive, Mr. Algernon Egerton)**

c. Moved, "That the Bill be now read 2^o" (*Lord
Elcho*) June 4, 1603
Amendt. to leave out "now," and add "upon
this day six months" (*Mr. Edmund Potter*);
Question, "That 'now,' &c.;" after debate,
Amendt. withdrawn; Bill read 2^o [Bill 105]

Masters and Workmen Bill

(*The Lord St. Leonards*)

c. Read 2^o* May 27 [Bill 77]

Mauritius—Yellow Fever in the

Question, Mr. J. A. Smith; Answer, Mr. Ad-
derley May 30, 1292

Meetings in Royal Parks

Question, Mr. P. A. Taylor; Answer, Mr.
Gathorne Hardy May 20, 778

Meetings in Royal Parks Bill

(*The Lord Redesdale*)

l. Presented; read 1^a, after short debate May 24,
1013 (No. 113)

MELLER, Mr. W., Stafford

Representation of the People, Comm. *cl.* 3, 699

MELVILLE, Viscount

Army Enlistment, 2R. 1383

Metropolis

Chelsea Hospital Gardens, Question, Mr. La-
bouchere; Answer, Lord John Manners
May 24, 1026
Crown Property—Footpaths Bounding, Ques-
tion, Mr. Owen Stanley; Answer, Lord John
Manners May 20, 770

Metropolis—cont.

New Palace Yard and the Houses of Parliament, Question, Lord Lyveden; Answer, The Earl of Derby *May* 20, 765; *May* 24, 1012

Hyde Park, Meeting in, Moved, "That an humble Address be presented to Her Majesty for, Copies of the Notice issued by the Secretary of State warning the Public against attending the recent Meeting in Hyde Park, and also of the Instructions given to the Police on the Subject" (*The Earl Cowper*) *May* 9, 214; after long debate, Motion withdrawn—*Cabs, Admission of*, Question, Mr. Yorke; Answer, Mr. Walpole *May* 6, 7; Question, Mr. O'Beirne; Answer, Mr. Walpole *May* 10, 370

Public Meetings in the Parks—Opinion of the Law Officers, Question, Mr. Lowe; Answer, Mr. Walpole *May* 7, 95; Question, Mr. Neate; Answer, Mr. Walpole *May* 9, 257; Question, Mr. Lowe; Answer, Mr. Walpole, 266

Public Parks—Seats in, Question, Mr. Ewart; Answer, Lord John Manners *May* 31, 1387

Statues of Canning and Peel, Question, Lord Ernest Bruce; Answer, Lord John Manners; *May* 6, 2

Street Outrages, Question, Mr. Owen Stanley; Answer, Mr. Gathorne Hardy *June* 6, 1664; Question, Mr. Owen Stanley; Answer, Mr. Gathorne Hardy *June* 14, 1860

Theatres—Regulation of, Question, Lord Ernest Bruce; Answer, Mr. Gathorne Hardy *June* 17, 1983

University of London—The New Building, Question, Mr. Goldsmid; Answer, Lord John Manners *May* 9, 265; Question, Mr. J. Goldsmid; Answer, Lord John Manners *May* 30, 1290; Question, Mr. J. Goldsmid; Answer, Lord John Manners *June* 6, 1661

Ventilation of Sewers, Question, Sir George Stucley; Answer, Lord Robert Montagu *June* 6, 1661

Victoria Park, Question, Viscount Enfield; Answer, Lord John Manners *May* 30, 1293

Metropolis Gas Bill

(*Sir Stafford Northcote, Mr. Secretary Walpole, Lord John Manners*)

c. Considered as amended *May* 7, 185 [Bill 129]

Moved, "That the Bill be re-committed to a Select Committee of Five Members" (*Sir Stafford Northcote*)

Amendt. after "Committee of," to insert "Seven Members" (*Mr. Ayrton*); Question, "That those words be there inserted;" after short debate, Moved, "That the Debate be now adjourned" (*Mr. Monk*); A. 53, N. 5; M. 48; Debate adjourned

Debate resumed *May* 9, 361

Question, "That 'Seven Members' be there inserted," negatived; original Question put, and agreed to

Metropolis Subways Bill

(*Mr. Tite, Colonel Hogg*)

c. Ordered; read 1^o * *May* 8 [Bill 139]

Read 2^o * *May* 30, and referred to a Select Committee *June* 6; List of the Committee, 1727

Metropolitan Police Bill

(*Mr. Secretary G. Hardy, Mr. Selater-Booth, Mr. Hunt*)

c. Ordered; read 1^o * *May* 27 [Bill 171]

Read 2^o * *May* 28

Committee *May* 30—R.F.

Committee; * Report *June* 3

Read 3^o * *June* 4

l. Read 1^o * (*The Earl of Belmore*) *June* 4
Read 2^o * *June* 7 (No. 135)

Metropolitan Police [Salary of Receiver]

Resolution * *May* 31

Report * *June* 3

Mexico—State of

Question, Mr. Butler; Answer, Lord Stanley *June* 3, 1495

Military Reserve Funds

Moved, "That a Select Committee be appointed to inquire into the origin of the Military Reserve Funds, the sources from which they are derived, and the objects to which they are applied" (*Lord Hotham*) *May* 14, 557

After short debate, Motion agreed to; List of the Committee, 559

Militia Reserve Bill (*Sir John Pakington, Mr. Hunt, Sir James Fergusson*)

c. Ordered; read 1^o * *May* 13 [Bill 149]

Question, Mr. O. Stanley; Answer, Sir John Pakington *May* 21, 880

MILL, Mr. J. Stuart, Westminster

Bankruptcy Acts Repeal, Comm. 1572

Ireland—Petition on Fenianism, Res. 1894

Municipal Corporations (Metropolis), Leave, 882, 891

Representation of the People, Comm. cl. 3, 280, 738; cl. 4, Amendt. * 817, 842, 1142; cl. 34, 1185; Amendt. 1188; cl. 9, Amendt. 1343, 1362

MILLER, Mr. W., Leith, &c.

Scotland—Gunpowder at Leith, &c. 91

Mines, &c. Assessment Bill

(*Mr. Percy Wyndham, Mr. Cavendish Bentinck, Mr. Henderson*)

c. An Instruction moved (*Mr. Gathorne Hardy*) *May* 6, 71

MITCHELL, Mr. A., Berwick-on-Tweed

Representation of the People, Comm. cl. 10, Amendt. 1973, 1976

MITFORD, Mr. W. T., Midhurst

Cattle Plague, 693

Mixed Marriages (Ireland) Bill

(*Mr. Serjeant Armstrong, Mr. Cogan*)

c. Second Reading * *May* 7; Debate adjourned
Adjourned debate resumed *May* 8, 213

After short debate, Bill read 2^o [Bill 120]

MOFFATT, Mr. G., *Southampton*

Bankruptcy Acts Repeal, Comm. 1560

MONCREIFF, Right Hon. J., *Edinburgh*

Game Preservation (Scotland), 2R. 904

Hypothec Abolition (Scotland), 2R. 206 ;
Comm. cl. 4, 757

Representation of the People (Scotland), Leave,
407, 1499

Scotland—Annuity Tax (Edinburgh), 693

MONK, Mr. C. J., *Gloucester*

Army Estimates—Manufacturing Departments,

1711, 1714 ;—Works, Buildings, &c. 1711,

1714 ;—Barrack Establishment, 1748, 1750
Banns of Matrimony, Publication of, 4 ; Leave,
362

Business, Public—Standing Orders, 1133

Ecclesiastical Titles and Roman Catholic Relief
Acts, Comm. 1365

Marriage Law Commission Report, 938

Metropolis Gas, Consid. Motion for Adjourn-
ment, 186

Representation of the People, Comm. cl. 35,
1202 ; Amendt. 1206

MONSELL, Right Hon. W., *Limerick Co.*

Army—Snider Ammunition, 1493 ;—Exclusion

of Irishmen from the Foot Guards, Res. 1678

Grand Juries (Ireland), 2R. 599

Ireland—Galway Harbour, Comm. 68

Sale of Liquors on Sunday (Ireland), 2R. 1647

Tramways (Ireland) Act Amendment, 2R. 68

MONTAGU, Right Hon. Lord R. (Vice Pre-
sident of the Committee of Privy
Council for Education), *Huntingdon-
shire*

Cattle Plague, 6 ;—Foreign Cattle, 92, 391,
879, 1129 ;—In the Metropolis, 694, 777,
1291, 1292, 1295

Clifton-on-Dunsmore Plot Rents, 372, 772

Department of Science and Art, 936

Education in America and Canada, 880

Educational Building Grants, 1659, 1660

Endowed Schools Commission, 1294

Metropolis—Ventilation of Sewers, 1661

Paris Exhibition, 619, 620 ;—Expenses of the,
623 ;—Purchase of Articles, 693

Supply—Charity Commission, 925 ;—Quaran-
tine Establishment, 928

Universal Catalogue of Art Books, 392, 393,
394, 615, 616, 617

Vaccination, 776 ; Comm. 1863, 1877

MONTGOMERY, Sir G. G. (Lord of the
Treasury), *Peeblesshire*

Game Preservation (Scotland), 2R. 913

Hypothec Amendment (Scotland), Comm. cl. 4,
757

Railways (Scotland), 2R. 1011

Representation of the People (Scotland), Leave,
441

Scotland—Annuity Tax (Edinburgh), 693

MORE, Mr. R. J., *Shropshire, S.*

Malt Tax, Motion for a Committee, 548, 552,
556

MORRIS, Mr. G., *Galway Bo.*

Ireland—Galway Harbour, Comm. 68 ;—Dis-
tress in Connemara, 93

MORRISON, Mr. W., *Plymouth*

Representation of the People, Comm. cl. 8,
1359

Uniformity Act Amendment, 2R. 1251

MOWERAY, Right Hon. J. R. (Judge
Advocate General), *Durham City*

Army—Articles of War, Res. 1670

Ecclesiastical Commissioners—Dean and

Chapter of Westminster, 94, 1024 ;—Non-
Capitular Stipends, Motion for Papers, 897

Municipal Corporations Charities, 2R. 210

Representation of the People, Comm. cl. 15,
1994

Municipal Corporations Charities Bill

(*Mr. Richard Young, Mr. William E. Forster*)

c. Moved, "That the Bill be read 2^o upon the
19th day of June next" (*Mr. R. Young*)
May 8, 208 [Bill 60]

Amendt. to leave out from "That the" and add

"Order for the Second Reading of the said

Bill be discharged" (*Viscount Galway*) ;

Question, "That the words, &c.;" after
short debate, Amendt. withdrawn ; Bill to
be read 2^o upon 19th June

Municipal Corporations (Metropolis) Bill

(*Mr. Mill, Mr. Thomas Hughes, Mr. Tomline*)

c. Ordered, after short debate ; read 1^o May 21,
882 [Bill 166]

MURPHY, Mr. N. D., *Cork City*

Ireland—Established Church, Res. 137

Sale of Liquors on Sunday (Ireland), 2R. 1646

NAAS, Right Hon. Lord (Chief Secre-
tary for Ireland), *Cockermouth*

Ecclesiastical Titles Act Repeal, 2R. 572

Ecclesiastical Titles and Roman Catholic Re-
lief Acts, Comm. 1364, 1366

Grand Juries (Ireland), 2R. 597

Habeas Corpus Suspension (Ireland) Act Con-
tinuance (No. 2), Leave, 897 ; 2R. 945, 961

Ireland—Queen's University, 4, 1439, 1463 ;—

Death Sentence on Fenian Convicts, 90 ;

Distress in Connemara, 93, 395, 692, 940,

1662, 1742 ;—Established Church, Res. 157,

166 ;—Salters' Company, 253, 769 ;—Dublin

Metropolitan Police, 263 ;—Pawnbroking

System in Dublin, 370 ;—Drainage Improve-

ments, 388, 389 ;—Fenian Prisoners, 390,

1664 ;—Land Bills, 397 ;—National Educa-

tion, 620 ;—Alleged Abetting of Fenianism

—Professor Thompson, 621, 622, 777 ;—

Weights and Measures (Dublin), 769 ;—Court

of Admiralty, 770 ;—Pollution of Rivers,

773 ;—Poor Relief, 881 ;—Holyhead Mail

Packets, 1021 ;—Importation of Cattle, 1022,

1023 ;—Curragh of Kildare, 1491 ;—Black

Death, 1660 ;—Tyrone Magistrates, 1935

Records (Ireland), Leave, 562

Representation of the People (Ireland), 526,
779

NAAS, Right Hon. Lord—*cont.*

- Sale of Liquors on Sunday (Ireland), 2R. 1647
 Sea Coast Fisheries (Ireland), Comm. 212, 605
 Supply—Poor Law Commissioners, 859
 Tenants Improvements (Ireland), 881
 Vice President of the Board of Trade, Re-comm. 477

National Debt Acts Bill

(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Hunt*)

- c. Moved, "That the Bill be now read 2^o"
May 16, 623 [Bill 114]
 Amendt. to leave out from "That," and add
 "a further reduction of the Duty on Fire Insurances, to which this House is already pledged, would be a better mode of disposing of a portion of the surplus of Ways and Means for the present year than the creation of Terminable Annuities proposed by the present Bill" (*Mr. Henry B. Sheridan*); after long debate, Question put; A. 162, N. 38; M. 124; Bill read 2^o
 Committee* Report *May 20*
 Read 3^o* *May 21*
 l. Read 1^a* (*The Earl of Devon*) *May 23*
 Read 2^a* *May 27* (No. 111)
 Read 3^a* *May 28*
 Royal Assent *May 31* [30 Vict. c. 26]

National Gallery Enlargement Bill

(*Lord John Manners, Mr. Hunt*)

- c. Report of Select Committee *May 27*
 Committee* *June 3*—R.P.
 Committee* *June 4*; Report* *June 5*
 Committee* (*on re-comm.*); Report *June 6*
 Read 3^o* *June 6* [Bill 169]
 l. Read 1^a* (*The Earl of Devon*) *June 7*
 (No. 150)

Navy

- Greenwich Hospital*, Question, Mr. Stone;
 Answer, Mr. Corry *May 9, 254*
 "Greenwich Sixpence," *The*, Observations, Mr. Trevelyan; Reply, Mr. Childers *June 7, 1733*
Naval Cadets—Corporal Punishment of, Question, Mr. Bass; Answer, Mr. Corry *June 3, 1490*
Naval Reserve—Shipping Masters, Question, Mr. Liddell; Answer, Mr. Stephen Cave *May 24, 1021*
Naval Savings Bank, Question, Mr. Kinnaird; Answer, Mr. Corry *May 21, 876*
Officers' Leave, Question, Mr. Hanbury-Tracy; Answer, Mr. Corry *June 17, 1934*
Pay—Increase of, to Labourers in the Dockyards and to the Marines, Question, Mr. Otway; Answer, Mr. Corry *May 7, 94*

NEATE, Mr. C., *Oxford City*

- Fees to the Legal and Medical Professions, 940
 Game Protection (Scotland), 2R. 912
 Hyde Park, Meeting in, 257, 258
 Ireland—Petition on Fenianism, Res. 1898
 Oxford and Cambridge Universities Education, 2R. 1619, 1626

NEATE, Mr. C.—*cont.*

- Representation of the People, Comm. cl. 3, 472, 749; cl. 4, 999; cl. 34, 1179; cl. 10, 1978
 Vice President of the Board of Trade, Re-comm. 477
 Walpole, Mr., Resignation of, 398

NELSON, Earl

- Clerical Vestments (No. 2), 2R. 503
 Increase of the Episcopate, Comm. cl. 13, 1193; add. cl. 1196

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, E.*

- Army Estimates—Disembodied Militia, 1752
 Representation of the People, Comm. cl. 9, 1511

NEWDEGATE, Mr. C. N., *Warwickshire, N.*

- Agricultural Children's Education, Leave, 561
 Army—Ordnance Department, Motion for a Committee, 1812
 Ecclesiastical Titles Act Repeal, 2R. 565, 572, 882
 Ecclesiastical Titles and Roman Catholic Relief Acts, Comm. 1364, 1365, 1366, 1495, 1496
 Game Preservation (Scotland), 2R. 913
 Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 978
 Ireland—Fenianism, 15; —Established Church, Res. 179
 Municipal Corporations Charities, 2R. 209
 Representation of the People, Comm. cl. 3, 26, 806; cl. 4, 1008, 1166, 1174, 1175; cl. 8, 1300; cl. 9, 1405, 1522, 1540, 1783; cl. 10, 1951, 1979, 1984
 Sunday Trading, 2R. 591
 Transubstantiation, &c. Declaration Abolition, 3R. 574

New Members Sworn

- May 30*—Lord Ronald Sutherland Leveson Gower, *Sutherlandshire*
June 13—Henry Edwards, esq., *Weymouth*

New Parishes and Church Building Acts Amendment Bill [H.L.]

(*The Archbishop of York*)

- l. Presented; read 1^a* *June 7* (No. 146)

Newspaper Securities by Proprietors

- Observations, Mr. Milner Gibson; Reply, The Attorney General *May 24, 1076*; Question, Mr. Craufurd; Answer, The Attorney General *June 3, 1492*

New Writs Issued

- May 13*—For *Sutherlandshire, v. Right Hon. Sir David Dundas, Knight, Chiltern Hundreds*
May 14—For *Oxford University, v. Right Hon. Gathorne Hardy, Secretary of State*

NICOL, Mr. J. Dyce, *Kincardineshire*

- Hypotheec Abolition (Scotland), 2R. 205

North British Railway (Carlisle Deviation) Bill

c. Bill considered, after short debate *May* 30, 1285

NORTH, Colonel J. S., *Oxfordshire*

Army Estimates, 369;—Barrack Establishment, 1748

Army—Exclusion of Irishmen from the Foot Guards, Res. 1676

Ireland—Petition on Fenianism, Res. 1899

NORTHCOTE, Right Hon. Sir S. H. (Secretary of State for India), *Devonshire, N.*

Corrupt Practices at Elections, Comm. 60

India—Famine in Orissa, 264;—Medical Retirement Funds, 389;—Maharajah of Mysore, 1061

Mauritius—Yellow Fever in the, 1293

Metropolis Gas, Consid. Amendt. 185

Representation of the People, Comm. 1175

Vice President of the Board of Trade, 3R. 67

“North”—*The Ship*

Question, Mr. Knatchbull-Hugessen; Answer, Mr. Stephen Cave *June* 3, 1488

NORWOOD, Mr. C. M., *Kingston-upon-Hull*

Admiralty Jurisdiction, 939

Bankruptcy Acts Repeal, Comm. 1769

Oaths and Declarations

Question, Mr. Hadfield; Answer, Mr. Walpole *May* 9, 255

O'BEIRNE, Mr. J. L., *Cashel*

Army Estimates—Military Education, 1717

Army—Medical Officers on the West Coast of Africa, 1290

Grey, Mr. H. D., Case of, 89, 394

Metropolis—Admission of Cabs to Hyde Park, 370

Representation of the People, Comm. cl. 9, 1546

Representation of the People (Ireland), 1090

Tenants Improvements (Ireland), 881

O'BRIEN, Sir P., *King's Co.*

Army Estimates—Works, Buildings, &c. 1714;

—Military Education, 1716, 1717, 1719

Army—Staff Appointments, Motion for Returns, 1430, 1431;—Exclusion of Irishmen from the Foot Guards, Res. 1676

Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 980

O'CONOR DON, The, *Roscommon Co.*

Grand Juries (Ireland), 2R. 595

O'DONOGHUE, The, *Tralee*

Ireland—Fenian Convict Burke, 1131;—Queen's University, 1447

Representation of the People (Ireland), 778, 779, 1092

Tenants Improvements (Ireland), 373

Office of Judge in the Admiralty, Divorce, and Probate Courts Bill

(*The Lord Chancellor*)

l. Committee *May* 16, 606 (No. 11)

Report * *May* 20 (No. 102)

Moved, “That the Bill be now read 3^a” *May* 27, 1098

Amendt. to leave out (“now”) and insert (“this Day Three Months”) (*The Lord Cranworth*); after debate, on Question, “That (‘now,’) &c.,” Cont. 86, Not-Cont. 40; M. 46; Division List, 1113; Bill read 3^a

Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod

Select Committee on, appointed; List of the Committee *May* 20, 767

First Report from the Select Comm. (No. 125)

Offices and Oaths Bill

(*Sir Colman O'Loughlen, Mr. Cogan, Sir J. Gray*)

c. Read 3^o * *May* 14 [Bill 7]

l. Read 1^a * (*The Earl of Kimberley*) *May* 16

Moved, “That the Bill be now read 2^a” *May* 31, 1371

Amendt. to leave out (“now”) and insert (“this Day Three Months”) (*The Earl of Courtown*); after short debate Amendt. withdrawn; Bill read 2^a (No. 100)

OGILVY, Sir J., *Dundee*

Business of the House, 941

Representation of the People (Scotland), Leave, 419

OLIPHANT, Mr. L., *Stirling, &c.*

Army Estimates—Military Store Establishments, 1703, 1704;—Works, Buildings, &c. 1712

Army—European Garrisons in Ceylon, &c. Res. 1682

OSLOW, Mr. G. J. H., *Guildford*

Representation of the People, Comm. cl. 4, 842

O'REILLY, Mr. M. W., *Longford Co.*

Army Estimates—Increase Pay, 687

Ecclesiastical Titles Act Repeal, 2R. 572

Ireland—Pension to Mr. Young, 256, 257;—National Education, 620;—The Salters' Company—Magherafelt Roman Catholic Church, Motion for an Address, 891, 894;—Queen's University, 1445

OSBORNE, Mr. R. B., *Nottingham*

Corrupt Practices at Elections, Comm. 64

Explanation—Mr. Dillwyn, 7

Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 969

Representation of the People, Comm. cl. 3, 48, 746

Sale of Liquors on Sunday (Ireland), 2R. 1645

Universal Art Catalogue, 616

OTWAY, Mr. A. J., *Chatham*

Army Estimates—Increase Pay, 687;—Works, Buildings, &c. 1713, 1714;—Military Education, 1717;—Barrack Establishment, 1747, 1750;—Hospital Establishment, 1751

Army—System of Retirement, Motion for a Committee, 71

Navy Estimates—Dockyards, &c. 1847

Navy—Increase of Pay, Dockyards and Marines, 94

Supply—Prisons and Convict Establishments, 1094

Oxford and Cambridge Universities Education Bill [Bill 71]

(*Mr. Ewart, Mr. Neate, Mr. Pollard-Urquhart*)

c. Moved, "That the Bill be now read 2^o" (*Mr. W. Ewart*) June 5, 1813

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Beresford Hope*), 1619; after long debate, Question, "That 'now,' &c.;" A. 164, N. 150; M. 14

Bill read 2^o, and committed to a Select Committee

OXFORD, Bishop of

Clerical Vestments, 75, 78

Clerical Vestments (No. 2), 2R. 512, 522

Consecration of Churchyards, 2R. 1017; Comm. 1649, 1651

Increase of the Episcopate, 2R. 88; Comm. cl. 1, 382; cl. 10, 385; cl. 11, 386; cl. 13, 1194; add. cl. 1196, 1197, 1198; Report, cl. 12, Amendt. 1482

PACKE, Mr. C. W. *Leicestershire, S.*

Metropolis Gas, Consid. 362

Representation of the People, Comm. cl. 4, 1000, 1167

PAKINGTON, Right Hon. Sir J. S. (Secretary of State for War), *Droitwich*

Army Estimates, 264, 265, 369, 370;—Increase Pay, 687;—Manufacturing Departments, 1701, 1702;—Military Store Establishment, 1703, 1704, 1707, 1709, 1710;—Works, Buildings, &c. 1711, 1712, 1714;—Military Education, 1717, 1719;—Miscellaneous Services, 1720;—Administration of the Army, 1721;—Barrack Establishment, 1747, 1749, 1750;—Martial Law, *ib.*;—Hospital Establishment, 1751;—Disembodied Militia, *ib.*, 1753;—Volunteer Corps, 1761;—Enrolled Pensioners, 1765

Army—System of Retirement, Motion for a Committee, 70;—Reserve, 255;—Cavalry Half Pay, 263;—Organization of the, 373, 374;—War Department, 397;—Military Reserve Fund, Motion for a Committee, 558;—Elswick Company's Guns, 617;—Troops in India, 618;—Recruiting, Res. 678, 686, 1489;—98th Regiment, 771;—Batteries at Hartlepool, 772;—Military Store Department, 773;—Militia Courts Martial, 776;—Royal Engineers, 876;—Militia Reserve, 880;—Militia Deserters, 1023;—Troops in New Zealand, 1289;—Armstrong Guns and Chilled Shot, 1290;—Medical Officers on the West Coast of Africa, 1291;—Volunteer Corps Capitation

[cont.]

PAKINGTON, Right Hon. Sir J. S.—*cont.*

Money, 1294, 1732;—Whitworth's Ordnance, 1295;—Staff Appointments, 1431;—Snider Ammunition, 1493;—Sale of Commissions, 1663, 1939;—Exclusion of Irishmen from the Foot Guards, Res. 1678, 1681;—Fenian Raid in Canada—Field Allowance, 1680;—European Garrisons in Ceylon, &c. Res. 1684;—Inspectors of Volunteer Artillery, 1698, 1700;—Ordnance Department, Motion for a Committee, 1807, 1808, 1811;—Distinguished Service Promotions, 1935;—Volunteers, 1937, 1938;—Increase Pay, *ib.*;—Australia—Cast Iron Guns for, 91

Navy Estimates—Coast Guard Service, &c. 1838;—Naval Stores, 1853

Representation of the People, Comm. cl. 10, 1974

Scotland—Gunpowder at Leith, &c. 91

Warburg's, Dr., Tincture, 1200

PALK, Sir L., *Devonshire, S.*

Representation of the People, Comm. cl. 34, 1178; cl. 9, 1507

PALMER, Sir R., *Richmond*

Bankruptcy Acts Amendment, Comm. 1566

Fulford and Wellstead, Case of, 1025

Railway Companies, Consid. cl. 4, Amendt. 1722, 1725

Representation of the People, Comm. cl. 3, Amendt. 21, 28, 53, 55, 473; cl. 4, 1001, 1009; cl. 34, 1176, 1179, 1187; Amendt. 1188; cl. 35, 1191, 1206; cl. 5, 1232, 1235; cl. 6, Amendt. 1240; cl. 8, 1341, 1342; cl. 9, 1539, 1545; cl. 14, 1990

Paris Universal Exhibition, 1867—*see Education*

Parliament

LORDS—

New Palace Yard and the Houses of Parliament, Question, Lord Lyveden; Answer, The Earl of Derby May 20, 765; Reply, The Earl of Derby May 24, 1012

Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod, Select Committee on, appointed; List of the Committee May 20, 767; First Report from the Select Committee (No. 125)

Public Business, Observations, The Earl of Shaftesbury June 17, 1928

Standing Orders—Railway Deposits, Observations, Lord Stanley of Alderley; Reply, Lord Redesdale June 4, 1552

COMMONS—

Kitchen and Refreshment Rooms (*House of Commons*)—First Report June 5 (No. 357)

Librarian of the House of Commons, Observations, Mr. Darby Griffith; Reply, Mr. Hunt May 24, 1092

Public Business, Question, Sir John Ogilvy; Answer, The Chancellor of the Exchequer May 23, 941

Standing Orders [19th July 1854 and 21st July 1856] relative to Morning Sittings read, and suspended May 27, 1132; The House to meet at 2 o'clock on Tuesdays and Fridays

Parliamentary Reform—see Representation of the People

PATTEN, Colonel J. W., *Lancashire, N.*
 Army Estimates—Disembodied Militia, 1752
 Great North of Scotland Railway, Consid.
 1248
 Railway Bills—Standing Orders, Res. 1655
 Representation of the People, Comm. cl. 8,
 1297, 1328, 1329, 1339

PAULL, Mr. H., *St. Ives*
 Metropolis Gas, Consid. 362

Pawnbroking Bill (*Mr. Ayrton, Mr. O'Beirne*)
 c. Resolution; Bill ordered; read 1^o * June 3
 [Bill 182]

PEASE, Mr. J. W., *Durham, S.*
 Master and Servant, 2R. 1604
 Representation of the People, Comm. cl. 3,
 Amendt. 473, 699, 706; cl. 4, 847, 1161

PEEL, Right Hon. Sir R., *Tamworth*
 Clifton-on-Dunsmore Plot Rents, 372, 772
 Ireland—Alleged Abetting of Fenianism, 621

PEEL, Right Hon. Lt.-Gen. J., *Huntingdon*
 Army Estimates—Increase Pay, 687;—Milit-
 ary Store Establishment, 1706, 1708, 1709,
 1710;—Works, Buildings, &c. 1711, 1714
 Army—Recruiting, Res. 685;—Exclusion of
 Irishmen from the Foot Guards, Res. 1681;
 —Ordnance Department, Motion for a Com-
 mittee, 1804
 Representation of the People, Comm. cl. 3,
 285

Petit Juries (Ireland) Bill
 (*Mr. Solicitor General for Ireland, Mr. Attorney*
General for Ireland)
 c. Committee*; Report May 16 [Bills 46, 158]

PETO, Sir S. M., *Bristol*
 Representation of the People, Comm. cl. 3,
 41

Petty Sessions (Ireland) Act (1851)
Amendment Bill (*The Earl of Belmore*)
 l. Committee*; Report May 6 (No. 78)
 Read 3^o * May 7
 Royal Assent May 31 [30 Vict. c. 19]

Pier and Harbour Orders Confirmation
Bill (*Mr. Dodson, Mr. S. Cave, Mr. Hunt*)
 c. Read 2^o * May 6 [Bill 130]
 Referred to Select Committee May 8
 Committee* (*on re-comm.*); Report May 23
 Considered as amended * May 24 [Bill 163]
 Read 3^o * May 27
 l. Read 1^o * (*The Duke of Richmond*) May 28
 Read 2^o * June 4 (No. 117)
 Committee*; Report June 6
 Read 3^o * June 7
 Royal Assent June 17 [30 Vict. c. 33]

Pier and Harbour Orders Confirmation
(No. 2) Bill

(*Mr. Dodson, Mr. Stephen Cave, Mr. Hunt*)
 c. Resolution; Bill ordered * May 15
 Read 1^o * May 17 [Bill 162]
 Read 2^o * May 20
 Committee*; Report May 23
 Read 3^o * May 24
 l. Read 1^o * (*The Duke of Richmond*) May 25
 Read 2^o * June 4 (No. 115)

Pier and Harbour Orders Confirmation
(No. 3 Bill)

(*Mr. Dodson, Mr. Stephen Cave, Mr. Hunt*)
 c. Resolution; Bill ordered; read 1^o * June 6
 Read 2^o * June 13 [Bill 192]
 Committee*; Report June 17

PIM, Mr. J., *Dublin City*
 Ecclesiastical Titles and Roman Catholic Re-
 lief Acts, Comm. 1836
 Habeas Corpus Suspension (Ireland) Act Con-
 tinuance (No. 2), 2R. 990
 Ireland—Weights and Measures (Dublin), 769;
 —Court of Admiralty, *ib.*;—Queen's Uni-
 versity, 1463
 Landed Property Improvement and Leasing
 (Ireland), Leave, 562
 Sale of Liquors on Sunday (Ireland), 2R.
 1647

Policies of Insurance Bill
 (*The Marquess of Clanricarde*)

l. Read 2^o * May 9 (No. 82)
 Committee*; Report May 31 (No. 126)
 List of Select Committee June 4, 1555
 Report * June 7 (Nos. 151 & 152)

POLLARD-URQUHART, Mr. W., *Westmeath*
Co.
 Ireland—Pollution of Rivers, 773
 Uniformity Act Amendment, 2R. 1259

Poor Law

New President of the Poor Law Board, Ques-
 tion, Colonel French; Answer, The Chan-
 cellor of the Exchequer May 21, 870
Poor Law Guardians—The Guildford Board
of Guardians, Petition presented (*The Earl*
of Carnarvon) May 21, 860
Poor Relief, Question, Mr. Rearden; Answer,
 Lord Naas May 21, 881

Poor Law Board, &c. Bill

(*Mr. Schlater-Booth, Mr. Secretary G. Hardy*)
 c. Ordered; read 1^o * June 6 [Bill 193]

PORTMAN, Lord

Consecration of Churchyards, Comm. 1650
 Contagious Diseases (Animals), Report, 1870
 Fortifications (Provision for Expenses), Comm.
 767
 Increase of the Episcopate, Comm. 763;
add. cl. 1196; Report, *cl.* 13, Amendt. 1484
 Meetings in Royal Parks, 1R. 1015

Portugal—Treaty of Commerce

Question, Mr. Arkroyd; Answer, Lord Stanley
June 3, 1491

Post Office—International System of Money Orders

Question, Mr. Ewart; Answer, Lord Stanley
May 20, 774

POTTER, Mr. E., *Carlisle*

Master and Servant, 2R. Amendt. 1603

POWELL, Mr. F. S., *Cambridge*

Boundary Commissioners, 1939
Education in America and Canada, 879;—
Rev. J. Fraser's Report, 1024
Ireland—Petition on Fenianism, Res. 1901
Oxford and Cambridge Universities Educa-
tion, 2R. 1625
Registration of Voters, 2R. 918
Representation of the People, Comm. cl. 3,
49, 730; cl. 4, 1174; cl. 5, Amendt. 1232,
1233, 1240; cl. 10, 1978; cl. 12, 1987
Sunday Trading, 2R. 583
Supply—Public Record Office, 857;—Poor
Law Commissioners, 859;—University of
London, 1469

POWIS, Earl of

Consecration of Churchyards, 2R. 1017
Increase of the Episcopate, Comm. cl. 13,
1195; add. cl. 1197

Privilege—Petition of E. Truelove and others

Observations, Mr. Darby Griffith May 6, 13
Amendt. on Committee of Supply June 14, To
leave out from "That" and add "the Order of
the House [3rd May], That the Petition of E.
Truelove and others do lie upon the table be
read and discharged; and that so much of
the Appendix to the Twenty-second Report
of Public Petitions as comprises a printed
copy of the said Petition be cancelled"
(*Major Anson*), 1886; after long debate,
Question, "That the words, &c.," A. 43,
N. 11; M. 32

Public Accounts

Report of Select Committee May 29 [No. 333]

Public Health (Scotland) Bill

(*Sir Graham Montgomery, Mr. Secretary Walpole,*
Mr. Hunt)

c. Committee*; Report June 3 [Bills 89 & 179]

*Public Libraries (Scotland) Acts Amend-
ment Bill* (*The Earl of Airlie*)

l. Read 2^a* May 28 (No. 85)
Committee* June 3; Report* June 7
Read 3^a* June 17 (No. 128)

Public Records (Ireland) Bill

(*Lord Naas, Mr. Attorney General for Ireland*)

c. Ordered, after short debate May 14, 562
Read 1^o* May 15 [Bill 157]
Read 2^o* May 23
Committee*; Report June 4

Public Records (Ireland) [Salaries, &c.]

Resolution in Committee* June 3
Resolution reported* June 4

*Public Works, Harbours, &c. [Advances]
Bill* (*Mr. Dodson, Mr. Chancellor*
of the Exchequer, Mr. Hunt)

c. Resolution; Bill ordered; read 1^o* May 28
Read 2^o* May 30 [Bill 172]
Committee*; Report June 3
Read 3^o* June 4
l. Read 1^a* (*The Earl of Devon*) June 4
Read 2^a*; Committee negatived June 6
Read 3^a* June 7 (No. 137)
Royal Assent June 17 [30 Vict. c. 32]

PUGH, Mr. D., *Carmarthenshire*

Army—Increase Pay, 1938
Representation of the People, Comm. cl. 4,
1162

*Railway and Joint Stock Companies'
Accounts Bill* (*Sir W. Hutt, Mr. Ellice*)

c. Ordered, after short debate, read 1^o June 4,
1588 [Bill 188]

Railway Bills—Standing Orders

Resolution (*Mr. Milner Gibson*) June 6, 1652;
after short debate, Motion agreed to; Obser-
vations, Lord Stanley of Alderley; Reply,
Lord Redesdale June 17, 1928

Railway Companies Arrangements Bill }
Railway Companies Bill }

(*Sir Stafford Northcote, Mr. Cave,*
Mr. Attorney General)

c. Read 2^a* May 13, and referred to a Select
Committee [Bill 4]
Committee* (*on re-comm.*); Report May 27
Committee* (*on re-comm.*); Report May 31
Considered as amended June 6, 1722
Read 3^a* June 7
l. Read 1^a* (*The Duke of Richmond*) June 17
(No. 159)

*Railway Companies—Pre-Preference
Shares—Great North of Scotland
Railway Bill*

c. Considered as amended, after short debate
May 29, 1245

*Railway Construction Facilities Act
(1864) Amendment Bill*

(*Mr. Whalley, Mr. White*) [Bill 57]
c. Moved, "That the Bill be now read 2^o"
May 17, 758
Amendt. to leave out "now," and add "upon
this day six months" (*Mr. Leeman*); after
short debate, Question, "That 'now,' &c.,"
put, and negatived; Bill put off for six
months

Railways [Cancellation of Bonds]

Resolution in Committee May 30

Railways—Royal Commission on—Report
Question, Mr. Blake; Answer, Mr. Walpole
May 7, 92

Railways (Scotland) Bill

(*Sir Graham Montgomery, Mr. Hunt*)

- c. Moved, "That the Bill be now read 2^o" (*Sir Graham Montgomery*) May 23, 1011
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Edward Craufurd*); Question, "That 'now' &c.;" after short debate, Debate adjourned
Read 2^o * May 30 [Bill 122]
Committee*; Report June 13
Considered as amended * June 14
Read 3^o * June 17

RAWLINSON, Sir H. C., *Frome*
India—Maharajah of Mysore, 1044

READ, Mr. C. S., *Norfolk, E.*

Agricultural Statistics, 1667

Cattle Plague—Importation of Foreign Cattle, 879

Game Preservation (Scotland), 2R. 908, 910

Malt Tax, Motion for a Committee, 529

National Debt Acts, 2R. 662

Representation of the People, Comm. cl. 8, 1334

Real Estate Charges Act Amendment Bill

(*Mr. Locke King, Sir Roundell Palmer, Mr. Headlam*)

- c. Ordered; read 1^o * June 3 [Bill 181]

REARDEN, Mr. D. J., *Athlone*

Ireland—Poor Relief, 881;—Distress in the West, 940;—Petition on Fenianism, Res. 1897

REBOW, Mr. J. G., *Colchester*

Cattle Plague in the Metropolis, 1292

REDESDALE, Lord (Chairman of Committees)

Army—Knightsbridge Cavalry Barracks, 1013, 1470

Consecration of Churchyards, 2R. 1016, 1018, 1019; Comm. 1649, 1651

Contagious Diseases (Animals), Report, 1370
Increase of the Episcopate, Report, cl. 2, 1480; 3R. 1551

Meetings in Royal Parks, 1R. 1013, 1015

New Palace Yard and the Houses of Parliament, 766

Railway Bills—Standing Orders, 1928

Railway Deposits—Standing Orders, 1553

Sale and Purchase of Shares, 2R. 862, 864

Registration of Voters Bill

(*Viscount Amberley, Mr. Baines*)

- c. Ordered; read 1^o * May 7 [Bill 136]
Moved, "That the Bill be now read 2^o" (*Viscount Amberley*) May 21, 915; after short debate, Motion withdrawn; Bill withdrawn

Representation of the People Bill

Compound Householdors, Question, Mr. W. E. Forster; Answer, The Chancellor of the Exchequer May 6, 6

Mr. Hibbert's Amendment—Mr. Dilwyn's Memorandum, Explanation, Mr. Osborne May 6, 7

Clause 3—*Joint Occupiers*, Question, Sir Francis Goldsmid; Answer, The Chancellor of the Exchequer May 7, 90

Amendments, Question, Mr. Gladstone; Answer, The Chancellor of the Exchequer May 7, 94; Question, Mr. Gladstone; Answer, The Chancellor of the Exchequer May 9, 261; Question, Mr. W. E. Forster; Answer, The Chancellor of the Exchequer May 14, 525; Question, Mr. Thomson Hankey; Answer, The Chancellor of the Exchequer May 16, 614; Question, Mr. Heneage; Answer, The Chancellor of the Exchequer, 618

Polling Places, Question, Sir Andrew Agnew; Answer, The Chancellor of the Exchequer May 23, 935; Question, Mr. Baxter; Answer, The Chancellor of the Exchequer May 24, 1023

The Tower Hamlets, Question, Mr. Butler; Answer, The Chancellor of the Exchequer May 27, 1129

Representation of the People Bill [Bill 79]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, Secretary Lord Stanley*)

c. Committee May 6 15

Clause 3 (Occupation Franchise for Voters in Boroughs); after long time, Committee R.P. Committee May 9, 266

Clause 3 (Occupation Franchise for Voters in Boroughs); after long time, Committee R.P. Committee May 13, 442

Clause 3 (Occupation Franchise for Voters in Boroughs); after long time, Committee R.P. Committee May 17, 694

Clause 3 (Occupation Franchise for Voters in Boroughs); after long time, Committee R.P. Committee May 20, 779

Clause 3 (Occupation Franchise for Voters in Boroughs)

Clause 4 (Occupation Franchise for Voters in Counties); after long time, Committee R.P. Committee May 23, 991

Clause 4 (Occupation Franchise for Voters in Counties); after long time, Committee R.P. Committee May 27, 1135

Clause 4 (Occupation Franchise for Voters in Counties); after long time, Committee R.P. Committee May 28, 1200

Clause 35 (First Registration of Occupiers); after long time, Committee R.P. Committee May 30, 1296

Clause 8 (Disfranchisement of Certain Boroughs); after long time, Committee R.P. Committee May 31, 1387

Clause 9 (Certain Boroughs to return one Member only); after long time, Committee R.P. Committee June 3, 1500

Clause 9 (Certain Boroughs to return one Member only); after long time, Committee R.P. Committee June 13 R.P.

Representation of the People Bill—cont.

Committee June 17, 1942

Clause 10 (New Boroughs to return One Member each)

Clause 11 (Registers of Voters to be formed for new Boroughs), 1987

Clause 12 (Division of the Tower Hamlets)

Clause 13 (Registers of Voters to be formed for the Tower Hamlets), 1989

Clause 14 (Divisions of certain Counties)

Clause 15 (To give a Representative to the University of London), 1992; after long time, Committee R.P.

Representation of the People (Ireland) Bill

Question, Mr. Esmonde; Answer, The Chancellor of the Exchequer May 6, 5; Question, The O'Donoghue; Answer, The Chancellor of the Exchequer May 20, 778; Question, Mr. Stapoole; Answer, The Chancellor of the Exchequer June 17, 1936

Representation of the People (Scotland) Bill

Question, Mr. Baxter; Answer, The Chancellor of the Exchequer May 9, 266

New Members, Question, Mr. Darby Griffith; Answer, The Chancellor of the Exchequer May 16, 620; Question Mr. Bouverie; Answer, The Chancellor of the Exchequer May 17, 694; Question, Mr. Moncreiff; Answer, The Chancellor of the Exchequer June 3, 1499*Representation of the People (Scotland) Bill*

(Mr. Chancellor of the Exchequer, Mr. Gathorne Hardy, Sir James Fergusson)

c. Motion for leave (Mr. Chancellor of the Exchequer) May 13, 399; after long debate, Motion agreed to

Bill ordered; read 1^o [Bill 146]*RICHMOND, Duke of (President of the Board of Trade)*

Railway Deposits—Standing Orders, 1554

Vice President of the Board of Trade, 2R. 873, 874

RIDLEY, Sir M. W., Northumberland, N.

Army Estimates—Barrack Establishment, 1749

Representation of the People, Comm. 1782; cl. 15, 2005

RIPON, Bishop of

Clerical Vestments, 75

Increase of the Episcopate, Comm. cl. 10, 385

Ritualism—The Royal Commission

Question, Mr. Darby Griffith; Answer, Mr. Gathorne Hardy June 3, 1489; Question, Mr. Foljambe; Answer, Mr. Gathorne Hardy June 6, 1664

See Church of England

ROBERTSON, Mr. D., Berwickshire

Representation of the People, Comm. cl. 4, 1168

ROEBUCK, Mr. J. A., Sheffield

Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 952, 953, 958, 971

Representation of the People, Comm. cl. 3, 337, 342; cl. 4, 847, 1011; cl. 10, 1985

*ROLT, Sir J., see ATTORNEY GENERAL, The**Roman Catholic Churches, Schools, and**Glebes (Ireland) Bill (Sir Colman**O'Loughlin, Mr. Gregory, Mr. Murphy)*

c. Second reading deferred June 5 [Bill 127]

ROMILLY, Lord

Hyde Park, Meeting in, Motion for an Address, 251

ROMNEY, Earl of

County Courts Acts Amendment, Comm. 1550; cl. 4, Amendt. 1929

ROYSTON, Right Hon. Viscount (Comptroller of the Household), Cambridge-shire

Municipal Corporations Charities, 2R. 210

RUSSELL, Earl

Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 1115, 1123, 1127

Hyde Park, Meeting in, Motion for an Address, 227, 232, 233

Increase of the Episcopate, 2R. 86; Comm. add. cl. 1195

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United States—The "Alabama" Claims, 862

RUSSELL, Colonel Sir C., Berkshire

Army Estimates—Military Store Establishment, 1706, 1708;—Works, Buildings, &c. 1712;—Military Education, 1719;—Mar-tial Law, 1750

Army—Supplementary Estimates, 264;—Re-cruiting, Res. 683;—Exclusion of Irishmen from the Foot Guards, Res. 1674;—Trans-port and Supply Departments, 1690;—Dis-tinguished Service Promotions, 1935

Ireland—Petition on Fenianism, Res. 1895

RUTLAND, Duke of

Hyde Park, Meeting in, Motion for an Address, 252

ST. DAVIDS, Bishop of

Increase of the Episcopate, Comm. cl. 13, 1194; add. cl. 1197; Report, cl. 13, 1485

Sale and Purchase of Shares Bill

(The Lord Redesdale)

l. Read 2^a May 21, 862 (No. 74)

Committee* May 23; Report* May 24

Read 3^a* May 27

Royal Assent June 17 [30 Vict. c. 29]

Sale of Land by Auction Bill [H.L.]*(The Lord St. Leonards)*

- c. After short debate, Bill considered in Committee; Committee *May* 15, 600—R.P. Committee; Report *May* 21, 919 [Bill 94] Considered as amended * *May* 23 Read 3^o * *May* 24

Sale of Liquors (Ireland) Bill*(Mr. O'Reilly, Lord Cremorne, Mr. Pim)*

- c. After short debate, Second Reading deferred *June* 5, 1645 [Bill 95]

Sale of Liquors on Sunday Bill

Question, Sir Henry Edwards; Answer, Mr. J. A. Smith *June* 7, 1740

SALOMONS, Mr. Alderman D., Greenwich
 Army Estimates—Barrack Establishment, 1748
 Master and Servant, 2R. 1607
 National Debt Acts, 2R. 664
 Navy Estimates—Dockyards, &c. 1847
 Scurvy at Sea, 1130

SAMUDA, Mr. J. D'A., Tavistock

Army Estimates—Military Store Department, 1710
 Navy Estimates—Dockyards, &c. 1845, 1847;
 —Naval Stores, 1854, 1857; —New Works, 1858
 North British Railway (Carlisle Deviation), Consid. 1288
 Representation of the People, Comm. cl. 9, 1405

SAMUELSON, Mr. B., Banbury

Master and Servant, 2R. 1605

SANDFORD, Mr. G. M. W., Maldon

Corrupt Practices at Elections, Comm. 58
 Luxemburg, Grand Duchy of, 1925
 Representation of the People, Comm. cl. 3, 739, 748; cl. 8, Motion for Adjournment, 1243

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May 17—The Earl of Brownlow, after the Death of his Brother.
 The Lord Northbrook, after the Death of his Father.
May 24—The Lord Vernon, after the Death of his Father.

SCHREIBER, Mr. C., Cheltenham

Army—Capitation Grant to Volunteers, 1732
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Scotland

Annuity Tax (Edinburgh), Question, Mr. Moncreiff; Answer, Sir Graham Montgomery *May* 17, 693
Gunpowder at Leith Fort and Blackness Castle, Question, Mr. Miller; Answer, Sir John Pakington *May* 7, 91
Southernness Lighthouse, Question, Mr. Mackie; Answer, Mr. Stephen Cave *May* 20, 774

SCOURFIELD, Mr. J. H., Haverfordwest

National Debt Acts, 2R. 657
 Representation of the People, Comm. cl. 3, 813

SCROPE, Mr. G. Poulett, Stroud

Representation of the People, Comm. cl. 3, 701, 781, 814; cl. 35, 1206, 1207, 1208, 1231

Scurvy at Sea

Question, Mr. Alderman Salomons; Answer, Mr. Stephen Cave *May* 27, 1130

Sea Coast Fisheries (Ireland) Bill*(Mr. Blake, Colonel Tottenham, Mr. Brady)*

- c. Committee; Moved, "That Mr. Speaker do now leave the Chair" *May* 8, 211 [Bill 50]
 Amendt. to leave out from "That" and add "the Bill be committed to a Select Committee" (*Sir Henry Winston-Barron*); Question, "That the words, &c.;" after short debate, Debate adjourned
 Debate resumed *May* 15; after short debate, Question put, and negative; Bill committed to a Select Committee; List of the Committee, 604

Sea Fisheries

Question, Mr. Blake; Answer, Mr. Stephen Cave *May* 9, 262

Sea, Loss of Life at

Question, Mr. Holland; Answer, Mr. Corry *May* 27, 1128

SEELY, Mr. C., Lincoln

Navy Estimates—Dockyards, &c. 1847, 1848

SELWYN, Mr. C. J., Cambridge University

Army Estimates—Military Education, 1717, 1718
 Bankruptcy Acts Repeal, Comm. 1565
 Oxford and Cambridge Universities Education 2R. 1629
 Sale of Land by Auction, Re-comm. 600; cl. 5, 919, 921; Preamble, 923
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 Uniformity Act Amendment, 2R. Amendt. 1253

SEYMOUR, Mr. H. D., Poole

India—Maharajah of Mysore, 1057
 Luxemburg, Grand Duchy of, 1926
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 Increase of the Episcopate, Comm. add. cl. 1196; Report, cl. 2, 1480; cl. 13, 1485

SHERIDAN, Mr. H. B., Dudley

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Ships, Inspection of

Question, Mr. J. A. Smith; Answer, Mr. Stephen Cave *June 7, 1731*

SIMMONDS, Mr. W. B., Winchester

Army Estimates—Volunteer Corps, 1759

Sir John Port's Charity Bill

(*Lord Robert Montagu, Mr. Adderley*)

c. Ordered; read 1^o * *May 9* [Bill 144]

Referred to a Select Committee * *May 30*

Committee nominated *June 17*; List of the Committee, 2006

SMITH, Mr. J. A., Chichester

Inspection of Ships, 1731

Mauritius—Yellow Fever in the, 1292

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SMITH, Mr. J. B., Stockport

Representation of the People, Comm. *cl.* 3, 321, 737; *cl.* 35, 1224, 1230, 1231

SMOLLETT, Mr. P. B., Dumbartonshire

India—Famine in Orissa, 264;—Maharajah of Mysore, 1040

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SOLICITOR GENERAL, The (Sir J. B. KARS-LAKE), Andover

Bankruptcy Acts Repeal, Comm. 1774

Railway Companies, Consid. *cl.* 4, 1726

Representation of the People, Comm. *cl.* 3, 449; *cl.* 8, 1337

South Australia—Mr. Justice Boothby

Question, Mr. Childers; Answer, Mr. Adderley *June 3, 1494*

Spain

Seizure of the "Tornado," Question, The Marquess of Clanricarde; Answer, The Earl of Derby *May 10, 364*; Question, The Marquess of Clanricarde; Answer, The Earl of Derby *May 31, 1368*; Question, Mr. Gregory; Answer, Lord Stanley *June 6, 1662*

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Select Committee *June 4*; List of the Committee, 1587

SPEIRS, Captain A. A., Renfrewshire

Game Preservation (Scotland), 2R. 903

SPENCER, Earl

Army—Proof of Fire Arms, 1723

STACPOOLE, Mr. W., Ennis

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STANHOPE, Mr. J. Banks, Lincolnshire, N.

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STANLEY, Right Hon. Lord (Secretary of State for Foreign Affairs), Lynn Regis

Abyssinia—Prisoners in, 524

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"Tornado," Case of the, 1662

Venezuela—Government of, 396

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Increase of the Episcopate, 2R. 85; Comm. *cl.* 1, Amendt. 380, 381; *cl.* 13, 1194; Report, *cl.* 13, 1486

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Railway Bills—Standing Orders, 1927

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Vice President of the Board of Trade, 2R. 873

STANLEY, Hon. W. Owen, Beaumaris

Army—Militia Courts Martial, 775, 776;—Militia Deserters, 1023

Explanation—Mr. Osborne and Mr. Dillwyn, 11

Metropolis—Footpaths bounding Crown Property, 770, 771;—Street Outrages, 1664, 1666, 1860, 1861

Representation of the People, Comm. *cl.* 4, 1009

STANSFELD, Mr. J., Halifax

India—Maharajah of Mysore, 1059

Navy Estimates—Naval Stores, 1853, 1854

Statues of Canning and Peel

Question, Lord Ernest Bruce; Answer, Lord John Manners *May 6, 2*

Statute Law Consolidation

Motion for an Address for Copy of all Letters addressed to the Lord Chancellor in 1853-4, containing proposals for a plan to consolidate the Statutes, which are not contained in the printed copy of Mr. Bellenden Ker's Reports" (*Colonel French*) June 4, 1854; after short debate, Motion withdrawn

Statute Law Revision Bill [H.L.]

(*The Lord Chancellor*)

- l. Presented; read 1st *May* 21 (No. 106)
 Read 2^d, after short debate *May* 28, 1198
 Committee*; Report *May* 31
 Read 3^d *June* 3
 c. Question, Mr. Hadfield; Answer, The Attorney General *May* 7, 89
 Read 1st *June* 6 [Bill 184]
 Read 2^d *June* 13

STIRLING-MAXWELL, Sir W., *Pertkshire*
 Game Preservation (Scotland), 2R. 908

STOCK, Mr. O., *Carlow Co.*

Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 981

STONE, Mr. W. H., *Portsmouth*
 Navy—Greenwich Hospital, 254

Storm Warnings

Question, Colonel Sykes; Answer, Mr. Stephen Cave *June* 7, 1731

STUART, Colonel W., *Bedford*

Army—Increase Pay, 1938
 Cattle Plague in the Metropolis, 1292
 Ecclesiastical Titles and Roman Catholic Relief Acts, Comm. 1365

STUCLEY, Sir G. S., *Barnstable*

Metropolis—Ventilation of Sewers, 1661

Sunday Trading Bill (*Mr. Thomas Hughes, Lord Claud Hamilton, Sir Brook Bridges*)

- c. Moved, "That the Bill be now read 2^d" (*Mr. Thomas Hughes*) *May* 15, 576
 Amendt. to leave out "now," and add "upon this day six months" (*Mr. Freshfield*); after short debate, Question, "That 'now,' &c.," agreed to; Bill read 2^d [Bill 34]

SUPPLY

Considered in Committee—ARMY ESTIMATES *May* 16, 687—Resolution reported *May* 17
 Considered in Committee—CIVIL SERVICE ESTIMATES—Class II.—Salaries and Expenses of Public Departments *May* 20, 853—Resolutions reported *May* 21
 Considered in Committee—CIVIL SERVICE ESTIMATES—Class II.—Salaries and Expenses of Public Departments;—Class III.—Law and Justice *May* 21, 924—Resolutions reported *May* 23

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Supply—cont.

Considered in Committee—CIVIL SERVICE ESTIMATES—Class III.—Law and Justice—Revenue Departments *May* 24, 1094—Resolutions reported *May* 27
 Considered in Committee—CIVIL SERVICE ESTIMATES—University of London *May* 31, 1463—Resolutions reported *June* 3, 1547
 Proviso struck out; Report agreed to
 Considered in Committee—ARMY ESTIMATES *June* 6, 1701—Resolutions reported *June* 7
 Considered in Committee—ARMY ESTIMATES *June* 7, 1746—Resolutions reported *June* 13
 Considered in Committee—NAVY ESTIMATES *June* 13, 1813—Considered in Committee R.P. *June* 14—Resolutions reported *June* 14, 1861

SURTEES, Mr. C. F., *Durham, S.*
 Army—Batteries at Hartlepool, 772

SURTEES, Mr. H. E., *Hertfordshire*
 Malt Tax, Motion for a Committee, 542

SYKES, Colonel W. H., *Aberdeen City*

Army Estimates—Manufacturing Departments, 1701, 1702;—Works, Buildings, &c. 1712
 Corrupt Practices at Elections, Comm. 66
 India—Maharajah of Mysore, 1049
 Municipal Corporations (Metropolis), Leave, 890
 Navy Estimates, Report, 1861, 1863
 Representation of the People, Comm. cl. 35, 1204, 1782, 1785; cl. 10, 1981
 Storm Warnings, 1731

SYNAN, Mr. E. J., *Limerick Co.*

Grand Juries (Ireland), 2R. 596
 Habeas Corpus Suspension (Ireland) Act Continuance (No. 2), 2R. 984
 Ireland—Established Church, Res. 146

Tancred's Charities Bill

(*Lord Robert Montagu, Mr. Adderley*)

- c. Ordered; read 1st *May* 9 [Bill 143]
 Read 2^d *May* 23, and referred to a Select Committee; List of the Committee *May* 31

TAYLOR, Colonel T. E., *Dublin Co.*

Explanation—Mr. Osborne, and Mr. Dillwyn, 10

TAYLOR, Mr. P. A., *Leicester*

Churchward, Mr., Case of, 1907
 Meetings in Royal Parks, 778

Tenants Improvements (Ireland) Bill

Question, The O'Donoghue; Answer, Tho Attorney General for Ireland *May* 10, 373;
 Question, Mr. O'Beirne; Answer, Lord Naas *May* 21, 881

Tenure of Land (Ireland) Bill [H.L.]

(*The Marquess of Clanricarde*)

- l. List of Select Committee *May* 23, 934

Tests Abolition (Oxford and Cambridge)Bill (*Mr. Coleridge, Mr. Grant Duff*)c. Considered as amended *May 8, 213* [Bill 16]**THYNNE, Lord H. F., *Wiltshire, S.***Representation of the People, Comm. cl. 34,
1189**TITE, Mr. W., *Bath***

Supply—University of London, 1467

“*Tornado*,” *Case of the*—see *Spain***TORRENS, Mr. W. T. McCullagh, *Finsbury***

Army—Sale of Commissions, 1663

Representation of the People, Comm. cl. 3,
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1829 ;—Scientific Departments, 1839

Navy—Naval Officers' Leave, 1924

Tramways (Ireland) Acts AmendmentBill (*Mr. Monsell, Mr. Sherriff*)c. Read 2^o, after debate *May 6, 68* [Bill 125]**Transubstantiation, &c. Declaration Abolition Bill**(*Sir C. O'Loughlen, Mr. Cogan, Sir J. Gray*)c. Read 3^o, after debate *May 14, 574* [Bill 6]l. Read 1st * (*The Earl of Kimberley*) *May 16*Read 2^a, after debate *May 31, 1380* (No. 101)**TREVELYAN, Mr. G. O., *Tynemouth***

Navy—Greenwich Sixpence, 1733

TROLLOPE, Right Hon. Sir J., *Lincolnshire, S.*Representation of the People, Comm. cl. 4,
1009, 1149

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Turkey—The Cretan InsurrectionQuestion, Mr. Gregory ; Answer, Lord Stanley
*June 3, 1429***Turnpike Trusts Bill**(*Mr. Knatchbull-Hugessen, Mr. George Clive, Mr. Ayrton, Mr. Goldney*)c. Report * *June 4* [Bill 80]Report of Select Committee [No. 352] *June 5*Report * (*on re-comm.*) *June 5* [Bill 189]**Tyne Pilotage Act (1865) Amendment Bill**c. Resolution ; Bill ordered * *May 24*Read 1^o * *May 27* [Bill 168]Read 2^o * *June 3*Committee * ; Report *June 13*Read 3^o * *June 14*l. Read 1st * (*The Lord Ravensworth*) *June 17*
(No. 157)**Uniformity Act Amendment Bill**(*Mr. Fawcett, Mr. Bowdrie*)c. Moved, “That the Bill be now read 2^o” (*Mr. Fawcett*) *May 29, 1248*

After short debate, Amendt. to leave out “now,”

and add “upon this day six months” (*Mr. Charles Selwyn*) ; after further long debate,

Question, “That ‘now,’ &c. ;” A. 200,

N. 156 ; M. 44 ; Bill read 2^o [Bill 68]

Division List, 1280

United States—The “Alabama” ClaimsQuestion, Earl Russell ; Answer, The Earl of
Derby *May 21, 861***Vaccination Bill**(*Lord R. Montagu, Mr. G. Hardy, Mr. Earle*)c. Read 2^o * *May 16* [Bill 125]Committee * ; Report *May 30* [Bill 175]Committee ; Moved, “That Mr. Speaker do
now leave the Chair” (*Lord Robert Montagu*)
*June 14, 1863*After short debate, Amendt. to leave out from
“That,” and add “the Committee be postponed till after the Report of the Medical
Officer of the Privy Council, 1866, shall
have been distributed” (*Sir J. Clarke Jervoise*), 1886 ; after further debate, Question, “That the words, &c.,” put, and agreed to ; Bill considered in Committee—*r.p.*
Committee * (*on re-comm.*) ; Report *June 17***Vaccination**Question, Colonel Barttelot ; Answer, Lord
Robert Montagu *May 20, 776***Vaccination [Gratuities & Expenses]**Resolution in Committee * *May 24***Valuation of Property**(*Mr. Hunt, Mr. Secretary Walpole, Mr. Gathorne Hardy*)c. Report * *May 28*Report * (*re-committed*) *May 31* [No. 322]
[Bill 177]**VANCE, Mr. J., *Armagh City***Ecclesiastical Titles and Roman Catholic Relief
Acts, Comm. Motion for Adjournment, 1097,
1364, 1365, 1366, 1498

Ireland—Established Church, Res. 118, 124

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VANDERBYL, Mr. P., *Bridgewater*Cape of Good Hope, Motion for an Address,
1596, 1603**Venezuela, Government of**Question, Mr. Goschen ; Answer, Lord Stanley
*May 13, 896***VERNER, Mr. E. W., *Lisburn***Ireland—Fenian Prisoners, 390 ;—Black Death,
1660

VERNEY, Sir H., *Buckingham*

Army Estimates—Military Education, 1716,
1718 ;—Volunteer Corps, 1758
Army—European Garrisons in Ceylon, &c. Res.
1684 ;—Transport and Supply Departments,
1693
Luxemburg, Grand Duchy of, 397

Vice Admiralty Courts Act Amendment

Bill [H.L.] (*The Lord Chancellor*)

c. Read 1^o * May 15 [Bill 155]

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Bill (*Sir Stafford Northcote, Mr. Stephen Cave, Mr. Hunt*)

c. Order for Third Reading discharged, after
short debate ; Bill (*re-comm.*) ; Considered
in Committee—R.P. May 6, 66 [Bill 22]
Committee ; Report May 13, 475
Read 3^o * May 14
l. Read 1^a * (*The Duke of Richmond*) May 16
Read 2^a, after debate May 21, 873 (No. 99)

VIVIAN, Hon. Captain J. C. W., *Truro*

Army—Organization of the, 373 ;—Recruiting,
Res. 680 ;—Troops in New Zealand, 1289 ;
—Exclusion of Irishmen from the Foot
Guards, Res. 1681 ;—Transport and Supply
Departments, 1689

VIVIAN, Mr. H. H., *Glamorganshire*

Representation of the People, Comm. cl. 4,
851 ; Amendt. 991, 998 ; cl. 8, 1322

Walpole, Resignation of Mr. Secretary

Observations, Mr. Neate ; Reply, The Chan-
cellor of the Exchequer May 13, 398

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tary of State for the Home Depart-
ment) *Cambridge University***

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† Andersen, Carl, Case of, 622
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Contagious Diseases (Animals), Report, 1368 ;
Comm. cl. 31, Amendt. 1549

WARNER, Mr. E., *Norwich*

Representation of the People, Comm. cl. 10,
1975

Water Supply Bill

(*Mr. Whalley, Mr. Lusk*)

c. Ordered ; read 1^o * May 16 [Bill 161]

WATKIN, Mr. E. W., *Stockport*

Ireland—Petition on Fenianism, Res. 1902
Railway and Joint Stock Companies' Accounts,
Leave, 1592
Railway Companies, Consid. cl. 4, 1722, 1726
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Considered in Committee May 27, 1192—
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WEGUELIN, Mr. T. M., *Wolverhampton*

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Motion for Adjournment, 2003

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Question, Mr. Whalley ; Answer, Mr. Walpole
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In Vol. 186, p. 214, line 36 (Mr. LEATHAM), for "and how they had recorded" read "and the way they subsequently recorded their votes for the hon. Member for Stamford when he came forward at Wakefield, is a proof they were Conservatives."

In Vol. 187, p. 1176, line 13, for Clause 4, read Clause 5.

END OF VOLUME CLXXXVII., AND THIRD VOLUME OF THE
SESSION 1867.



